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ABSTRACT

These hearing transcripts provide testimony on a rule proposed by the United States Department of Agriculture (USDA), "Nutrition Objectives for School Meals," that would require meals served under the national school lunch program to be consistent with federal dietary guidelines. The majority of the testimony addressed the content of school meals and efficacy of the proposed rule, either supporting the USDA's guidelines or calling for more local autonomy in planning meals to meet nutrition guidelines. Testimony was heard from: (1) Representatives Charles W. Stenholm, Pat Roberts, Steve Gunderson, and Dan Glickman; (2) Ellen Haas, the Assistant Secretary, Food and Consumer Services, U.S. Department of Agriculture; (3) the Wheat Foods Council; (4) the National Milk Producers Federation; (5) the American Cancer Society; (6) the Society for Nutrition Education; (7) the National Food Processors Association; (8) the President's Council on Physical Fitness and Sports; (9) the Food Research and Action Center; (10) the American School Food Services Association; (11) the National Parent-Teacher Association; (12) Public Voice for Food and Health Policy; (13) the National Cattlemen's Association; (14) the United Fresh Fruit and Vegetable Association; (15) the Canadian Pediatric Society; (16) the American Heart Association; (17) the California Department of Education; (18) the Produce Marketing Association; and (19) the International Dairy Foods Association. (MDM)

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ED 381 286

REVIEW OF THE U.S. DEPARTMENT OF AGRICULTURE'S PROPOSED RULE, "NUTRITION OBJECTIVES FOR SCHOOL MEALS"

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HEARING

BEFORE THE

SUBCOMMITTEE ON DEPARTMENT OPERATIONS AND NUTRITION

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

SEPTEMBER 7, 1994

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REVIEW OF USDA'S PROPOSED RULE, "NUTRITION OBJECTIVES FOR SCHOOL MEALS"

WEDNESDAY, SEPTEMBER 7, 1994

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DEPARTMENT
OPERATIONS AND NUTRITION,
COMMITTEE ON AGRICULTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 2:05 p.m., in room 1300, Longworth House Office Building, Hon. Charles W. Stenholm (chairman of the subcommittee) presiding.

Present: Representatives Glickman, Gunderson, and Ewing.

Also present: Representative Pat Roberts, ranking minority member of the committee.

Staff present: Julia M. Paradis, assistant counsel; Gary R. Mitchell, minority staff director; William E. O'Conner, Jr., minority policy coordinator; John E. Hogan, minority counsel; Glenda L. Temple, clerk; Anita R. Brown, James A. Davis, Pete Thomson, and Lynn Gallagher.

OPENING STATEMENT OF HON. CHARLES W. STENHOLM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. STENHOLM. The subcommittee will come to order.

Welcome to this subcommittee hearing on an issue of great interest to many people around the country, USDA's proposed rule, "Nutrition Objectives for School Meals."

As you all know, this proposed rule would require meals served under the national school lunch program to be consistent with the dietary guidelines for Americans. This issue has captured the attention of children, parents, health scientists, food groups, production agriculture, the restaurant industry, and food manufacturers. We look forward to hearing from representatives of most of these groups today.

I have been asked why this subcommittee is interested in the issue of good nutrition and why we are conducting this hearing. The question is a good one because traditionally our nutrition focus has been on the food stamp program and the commodity donation program. That is changing.

The short answer is that Assistant Secretary Haas and I have talked many times about this proposal, and when I suggested several months ago that we conduct a hearing on it, she agreed that it would be an excellent forum to continue discussions with the many groups interested in the school lunch program.

The Committee on Agriculture has jurisdiction over issues of human nutrition and that is as it should be, because production agriculture is, and should be, vitally interested in good nutrition. The agricultural community does not simply serve the 2 percent of our population that produces food, it serves also the 100 percent of the population that consumes food. Working hand in hand with health scientists and food scientists, the agricultural industry continues to improve the nutritional value of the food it produces.

It is because of this vital link between agriculture and nutrition that this subcommittee has been following the debate over the USDA proposal to improve the nutritional quality of the meals served to our children under the school lunch program. No one can dispute the goal of the proposal. Too many of us do not have healthy diets. If we can teach our children to enjoy healthy food, the benefits to them throughout their lives, and to the country in terms of reduced medical costs, will be immeasurable. Secretary Espy and Assistant Secretary Haas are to be congratulated on their efforts to improve the diets of children.

But, let us not lose sight of the serious concerns that have been raised by this proposal. While we applaud the worthy goal of improved nutrition, there are many questions about the best way to meet that goal and many suggestions to be considered. We have for months attempted to facilitate resolution of some of these concerns through meetings and discussions with USDA personnel and various concerned groups. Commodities organizations, school food service providers and those representing low-income children have all voiced concerns about various aspects of this proposal.

USDA has made a genuine good faith effort to address these concerns. I am sure that they will thoughtfully consider the thousands of comments that they have received on this proposal. And we will submit to USDA as comments on the proposed rule all of the written testimony from this afternoon's hearing.

As with so many issues that initially appear simple and straightforward, the devil is in the details. And again, in this proposal, that is true. We will hear a lot about that this afternoon and we will be asking some tough questions.

We must make sure that this proposal results in meals that taste good so that the kids will eat them. And we must make sure that the burdens placed on school food service departments are not so great that schools opt out of the school lunch program.

I am once again urging USDA to make every effort to work with all interested parties as they review the comments and develop the final rule. I am also urging everyone else involved in this issue to keep their focus on the ultimate goal—to improve the diet and health of children.

Change is never easy. We all understand that. But, I have every confidence that significant improvements can be made in our school meals program if we continue to work together and maintain a vision of happy, healthy, and well-nourished children.

Mr. Roberts.

OPENING STATEMENT OF HON. PAT ROBERTS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS

Mr. ROBERTS. Thank you, Mr. Chairman.

A special welcome to Secretary Haas, who has been an outstanding leader in this whole effort.

I am pleased that the subcommittee is holding this hearing on the various regulations that are being proposed by the USDA concerning the objectives of nutrition for school meals. This is a timely hearing, Mr. Chairman.

Slightly more than half of the children that are going back to school this month will participate in the national school lunch program. Local school employees involved in the planning and the preparation of school meals work very hard—extremely hard—to make sure that the meals are nutritious and good tasting. A meal not eaten, if it is simply thrown out, really provides no benefit for anybody. The challenge for school food services is to balance nutrition with, as the chairman has indicated, what children will eat.

USDA's proposed regulations incorporate the Departments of Agriculture and Health and Human Services dietary guidelines, and they do change the way the nutritious value of the meal is measured—a food-based system to one based on analysis of certain nutrients.

We are going to have the opportunity to hear from several witnesses, all either involved with the school meals program or vitally interested in their success. Representatives from the USDA, the President's Council on Physical Fitness, the PTA, the American Cancer Society and various commodity groups will present testimony. Most important, this subcommittee will hear from the American School Food Service Association, which represents those frontline people who will implement these regulations and have the responsibility to plan and actually prepare the lunches.

I am extremely interested in their comments. In fact, when I was home, Mr. Chairman, in Dodge City over the break—and I will be going back tomorrow, hopefully—I heard from some of these frontline people concerning the proposed regs. They are worried about the cost. They are worried about the complexity of the proposed regulations, and I am talking in particular about small rural school districts.

It seems to me that the proposed regs make it somewhat of a complicated chore to plan meals and may deliver the wrong message on healthy eating. I think the Department should be teaching children and all of us that we can have a healthy diet from a wide variety of foods—not that we should be measuring and weighing and using a computer every time we want to eat.

Additionally, I am concerned that this proposal falls under the category of an unfunded mandate through which the Department will require schools to meet certain requirements and yet does not provide any additional money to meet those requirements. Now, the regs haven't been out in the field long enough, but I know in talking to school lunch officials in Kansas, we are talking about additional personnel. We are talking about additional computer software. We are talking about additional paperwork. And when you are on a very tight budget, it seems to me we have to be very careful, as the chairman has indicated, to make sure this is implemented correctly.

One last thing. I have an editorial here from the fountain of all knowledge in Washington, the Washington Post. Maybe the Washington Times, depending on your point of view, or maybe the Wall Street Journal. I don't know. Maybe the Dodge City Globe.

But at any rate, the Washington Post said this over 10 years ago. This was back when the Reagan administration's, experiment with ketchup, Mr. Chairman, as to whether or not ketchup was permitted as a vegetable substitute—and the Post said this.

[The information follows:]

After Ketchup and Tofu—What?

NOW THAT THE administration has officially returned ketchup to its proper status as a condiment and discovered that soybean curd is not everyone's idea of super lunch, where does that leave the school lunch program? Still in deep trouble in many areas. The program's real problem is not that the Agriculture Department issued some goofy regulations and then took them back. Its real problem is that it has lost $1 billion or so in federal aid.

Say this, anyhow, for the recently rescinded ketchup and tofu rules: they at least involved an honest recognition that declining federal aid means truly miserly lunches in many school districts. Relatively well-off districts may be willing and able to make up for the loss of federal aid. But in other areas it may well be half a glass of milk, half a piece of bread, a scoop of vegetables, a morsel of meat—or nothing.

Office of Management and Budget Director David Stockman said on "Face the Nation" the other day that the dilemma had been caused by Congress' refusal to buy his plan for cutting back further on lunch subsidies for better-off students. This sounds sensible on its face, but as Congress discovered in its consideration of the issue, if students had to pay the full price of school lunches, most would head to the nearest fast-food outlet instead. Without their patronage, many programs could not operate at an efficient scale, and costs could go up instead of down.

Another approach would be to restore the lost federal aid and, as Sen. Gary Hart (D—Colo.) has suggested, finance it by a tiny cutback in the billions now spent through the tax system in financing business lunches and entertainment. If that's too radical for you, let us suggest another sort of heresy. Rather than stage a partial retreat from federal standards, why not give up on federal regulation of the school lunch program altogether?

This idea should certainly appeal to the administration. It reflects the general hands-off philosophy and lets the Reagan people off the hook with respect to the detailed consequences of this part of their budget program. But there's a practical case to be made for letting local school administrators decide how best to use dwindling federal aid to meet the needs of their particular school population.

A balanced and adequate diet is, without question, one of the most important contributors to healthy child development. Remember, however, that even the old federal regulations didn't guarantee that a nutritious meal would be served—let alone consumed—by every schoolchild. All they required was that certain minimum quantities of each broad food group be served. Whether the resulting meal built strong bodies or filled garbage cans depended primarily on the ingenuity and common sense of local school meal planners.

Leaving the choice of menus and clientele entirely up to local school administrators won't work perfectly. But neither will federal guidelines—especially if they have the effect of driving more schools out of the program entirely. In the case of something as tangible as school lunches, local school boards and parents are surely more effective watchdogs than federal monitors sifting through stacks of meal reports.

While we're perpetrating a heresy, let us also suggest that local school administrators use their new discretion to reconsider some of the dogma that has guided school lunch preparation over the years. Where, for instance, is it written that in order to be nutritious, a lunch has to be hot? We are, to be sure, only kitchen-chair nutritionists. But we're willing to bet that the average child will get a lot more nutrition from an offering of, say, a peanut butter sandwich on whole-grain bread, a glass of milk, a piece of fruit and a cookie than from what he or she can be persuaded to eat from that plateful or even half plateful of mushy vegetables, soggy potatoes and grayish meat.

Washington Post 9-29-81

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Mr. ROBERTS. There is a practical case to be made for letting local school administrators decide how best to use the dwindling Federal aid to meet the needs of their particular school population. A balanced and adequate diet is without question one of the most important contributors to healthy child development.

Secretary Haas has been a pioneer in expressing this point of view. Remember, however, that even the old Federal regulations didn't guarantee that a nutritious meal would be served, let alone consumed by every school child. All they required was that a certain minimum quantity of each broad food group should be served. Whether the resulting meal built strong bodies, which we all hope for, or filled garbage cans, depended primarily on the ingenuity and common sense of the local school meal planners. In the case of something as tangible as school lunches, local school boards and parents are surely more effective watchdogs than Federal monitors sifting through stacks of meal reports that are costing local communities a whole bunch in terms of unfunded mandates. And so while I applaud the Secretary for this proposal, let's make sure it is going to work.

And I thank you, Mr. Chairman.

Mr. STENHOLM. Mr. Gunderson.

OPENING STATEMENT OF HON. STEVE GUNDERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. GUNDERSON. Thank you, Mr. Chairman.

It is always hard to do an encore to Mr. Roberts, but I will do my best by suggesting, first of all, that I interrupted a campaign for a primary election next Tuesday to come back here this morning because of my concern over the importance of this hearing, and frankly, the severity of the matter in front of us.

Just last night I had a public meeting in my district. And at that meeting, I had the chance to visit with a school superintendent and a doctor. The school superintendent told me that these regulations will literally end the school lunch program as we know it today.

The doctor went on to suggest that we are in effect imposing on children in America what is known as a No. 2 adult diet. This is neither good public policy nor good health policy for children.

The net effect of these regulations as I look at them, Mr. Chairman, is they are first and foremost bad for children. They are second, bad for school lunch programs in America. Third, they are bad for the American agricultural community. And that suggests to me we have a real problem on our hands.

I have pleaded with Secretary Haas in the past that the No. 1 concern of our school lunch programs in America ought to be what I think is the glaring scam of reality in that 43 percent of the children attending schools in America today do not participate in school lunch. Unfortunately, these regulations will not increase that participation. They will, rather, cause many schools, especially rural schools, to move into the a la carte business or to move out of school lunch altogether. And that ought to concern each and every one of us.

I am concerned, as well, about the magnitude of the cost of seeking to implementing these kinds of changes especially at a time when our Federal allocation for school lunches proposed in 1995 is going to be less than it is in fiscal year 1994. The Wisconsin Department of Public Instruction suggests that we are looking at a $4.5 million cost in Wisconsin alone simply to meet the computer requirements of the nutrient menu design required by this particular proposal. So we are dealing with a magnitude of change unlike anything we have seen since the inception of the school lunch program.

We are doing it in a way that will create, as I have said earlier, school lunch by computers, which I don't think is a worthy goal in and of itself. It is a program where the pilot projects have not been carried out. It is untested and we are about ready to mandate it on a nationwide basis.

As I have said earlier, the impact of this on rural schools is simply unbelievable. We in Wisconsin are facing a major property tax crisis as we try to move schools off the property tax. We already have cost controls in those schools and we are now to mandate at a minimum a $2,500 cost just for the software of a computer to comply with this program.

Anyone who looks at those regulations in the menu selection will recognize that if you happen to be a small rural school and you have kindergarten through the sixth grade in one school building and, therefore, one school lunch under these regulations, you will be required to design three different school lunches to meet the category by age nutrient requirements established in these regulations. I suspect there isn't a rural school lunch program in America that is going to agree with that.

Now, this is all just focusing on the school side of this. I would point out that I think the impact on American agriculture, and obviously coming from Wisconsin with its impact on dairy, is something this committee also has to be aware of, because in the past, we have been partners in dealing with production agriculture and good nutrition and diets for our students. It looks to me like, rather, we are trying to declare civil war here today.

The Department of Agriculture suggests that through their rulemaking under these regulations, we will assume that all schools will eliminate any use of butter. They will only participate in skim and 1 percent milk and that they will significantly reduce the cost and the utilization of cheese. They suggest the impact of that is $200 million annually on America's dairy farmers.

I will tell you that the National Milk Producers Federation which is going to testify this afternoon, suggests that a more honest assessment is something in the area of $450 to $600 million annually on American dairy farmer income.

So we have a problem in these regulations, Mr. Chairman, which leads me to suggest that you have done the right thing in calling for these hearings. It leads me to hope that the result of these hearings will be a voluntary decision by the Department of Agriculture to extend the public comment period beyond the summer recess, when, frankly, none of our school lunch personnel were employed and were not able to review the regulations and make comments about them. And hopefully they will respond also in a way that would allow us to withdraw these regulations and start over on a pilot project basis.

I think that, frankly, is the message of the Education and Labor Committee, when we included in the Elementary and Secondary Education Act a requirement for negotiated rulemaking in this particular area. I would hope the Department would recognize sincerity and the seriousness with which the Congress looks at these regulations and response accordingly.

Thank you.

[The prepared statement of Mr. Gunderson follows:]

STEVE GUNDERSON
3d District, Wisconsin

MEMBER
AGRICULTURE COMMITTEE
EDUCATION AND LABOR
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September 2, 1994

Mr. Robert M. Eadie
Policy and Development Branch
Child Nutrition Division
Food and Nutrition Service
USDA
3101 Park Center Drive
Alexandria, Virginia 22302

Dear Mr. Eadie:

I appreciate the opportunity to comment on the proposed rule for Nutrition Objectives for School Meals in the National School Lunch and Breakfast Programs. As a member of both House committees with jurisdiction over our nation's child nutrition programs, I can readily appreciate the successes of the National School Lunch Program and at the same time the need for practical, cautious change in what is probably one of the most effective education and health initiatives we have undertaken at the federal level. I agree with you in that the Dietary Guidelines do have a place and necessary purpose in determining federal nutrition goals.

However, I'm afraid the proposed rule does not represent practical or cautious change. While no one disagrees with the goal of healthier meals, a dramatic shift from an emphasis on food items to one of nutrient content could jeopardize the health and growth of school children, cause a decline in both student and school participation, saddle local schools and state agencies with unfunded mandates requiring expensive computer hardware and software purchases, and significantly alter the balance between the needs of both children and our nation's domestic agriculture industry. Instead, I urge that we build on tried and tested program structure.

Time Period for Comment

The time period allowed for comment on the proposed rule comes at the heart of the summer recess, when the input of local school food service personnel, educators, and parents is limited. I was disappointed that, despite urging otherwise, the comment period was not extended until at least October.

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Participation

My overall concern is the effect the proposed rule will have on student and institution participation in the National School Lunch Program. New meal standards with an overwhelming emphasis on limiting fat content may have the reverse effect of encouraging children and adolescents to eat elsewhere, or not eat at all. At a time when participation in the School Lunch Program is very low, I believe more emphasis should be placed on participation and options. Important considerations which must be recognized are the regional, cultural, educational, and socioeconomic differences among students and food service personnel which determine eating habits and food preparation knowledge.

Likewise, complicated new regulations and burdensome menu planning could force many schools, already under very severe budget constraints, to drop the School Lunch Program entirely. I've seen this is Wisconsin. As you know, fast-food chains and other competitive food sales have made significant inroads in the school food service industry, and may indeed be an attractive alternative to nutrient standard meal planning.

Fat Content

With regard to the fat content of school meals, I believe the strict enforcement of no more than 30% calories from fat and 10% of calories from saturated fat may be detrimental to the needs of growing children. A joint report issued by Health Canada and the Canadian Pediatric Society evaluated the necessity of low-fat diets for children. The report concluded that limiting food choices for children during preschool and childhood years should not be restricted on the basis of fat content, and no evidence existed that restricting a child's diet to the fat levels recommended in the proposed rule would reduce the risk of heart disease. Furthermore, the Bogalusa Heart Study found that those children who consumed less than 30% percent of calories from fat had significantly lower intakes of energy and nutrient deficiencies. I do not believe that clear evidence suggests childhood diets can be linked to occurrence of obesity, disease, or severe health risk later in life.

It is especially important that children have satisfying meals that meet their growth and energy needs and **tastes**. It would be a terrible mistake to test a "yuppie" diet on 25 million American students without clear consensus from the medical community on this matter.

The proposed rule states that "the Department is currently sponsoring a demonstration project to evaluate the optimum use of nutrient standard menu planning as a way for school meals to meet the Dietary Guidelines". It is my understanding that these pilots have been delayed. If this is the case, a delay certainly demonstrates the possibility of difficulties on a national scale and the need for extreme caution. I urge you to measure results from the pilot project first.

Fortification

The use of the nutrient values in fortified foods which are not natural sources of nutrients should be excluded from meeting prescribed nutrient levels. I authored committee report language in House Report 103-535, Part 1 (to accompany H.R. 8) on page 30, which states "the Committee urges that foods which are naturally good sources of vitamins and minerals should be emphasized over foods which have been enriched with vitamins and minerals". The Committee's intent should be recognized when final regulations are promulgated.

School Food Service Software Systems

The requirement for schools to purchase new software or seek assisted menu planning is shortsighted and would make compliance difficult, if not impossible, for rural schools and schools in areas of high poverty. Many schools in western Wisconsin would have to purchase computers and train staff or seek help from an already overburdened state agency. I know that adequate funds do not exist to pay for new computers and software. Instead of encouraging a cash bonanza to software firms, the Department should develop its own software and make it available, free of charge, to schools required to participate. The education level of some food service personnel in rural areas may be an obstacle in a foreign menu planning system based on nutrients alone.

I urge the Department develop an alternative food-based menu planning system for schools who choose to do so. This would provide needed flexibility.

Paperwork Reduction

We are all acutely aware of the tremendous amount of paperwork associated with the administration of not only school lunch/breakfast, but other nutrition programs. The proposed rule, as far as I can tell, confines paperwork reduction efforts to three areas: (1) extension of the Coordinated Review Effort (CRE) for one year; (2) elimination the "non-profit" status paperwork requirement; and (3) elimination of requirements for specific edit checks if a school's most recent CRE did not identify problems with meal counts.

Inconsistent with the Administration's effort to streamline and "Reinvent Government," the paperwork reduction provisions are weak and symbolic attempts at paperwork reduction. I was pleased that paperwork reduction waivers are included in the House-passed version of H.R. 8, the Healthy Meals for Healthy Americans Act. However, the Department must do much more. I would suggest that waivers would not have to be requested in the first place if the paperwork burden is lessened. Aside from the requirements that the Congress has imposed to reduce fraud and ensure integrity and accuracy, the School Lunch and Breakfast program is probably the most notorious example of bureaucracy at its best. I am enclosing concrete examples from constituents in Wisconsin for your consideration.

Milk and Butter in the School Lunch Program

The regulatory cost/benefit assessment that accompanies the regulations assumes the elimination of all butter and significant reductions of cheese that USDA can provide to the school lunch and breakfast programs. In this regard, these proposed regulations are inconsistent with the recommendations of a committee of nutrition experts recently convened by the National Institutes of Health.

Based on recent nutrition surveys, that NIH committee concluded that the average diet of Americans has a calcium intake considerably below the recommended daily allowance. They further indicated that, without proper levels of calcium, children enter adulthood with a weakened skeleton, increasing their risk for osteoporosis (which currently afflicts 25 million Americans and is responsible for 1.5 million bone fractures and $10 billion in medical costs annually). The findings of the NIH panel confirms prior research that indicated that only 10 percent of girls between the ages of 12 and 17 receive their minimum daily requirement of calcium.

Since dairy products are the source of 75 percent of the calcium and 35 percent of the riboflavin consumed by school children, discouraging the consumption of dairy products in the school lunch and breakfast only serves to increase the calcium-deficient diets of many of our school-aged children. The assumption of the elimination of butter, in favor of substitutes such as margarine, poses some problems. First, based on recent studies, margarine could have health risks related to its consumption. Second, margarine does not contain calcium or other nutrients.

The active promotion and encouragement low fat favorites among school-aged children, such as yogurt and chocolate milk, can decrease the risk of calcium deficiencies.

Whole Milk and Weighted Averages

The Department should exempt the statutorily-mandated offering of whole milk from the fat content guidelines. In schools where whole milk is consumed by a larger percentage of students, food service personnel will have to restrict offerings of other food items to achieve a weighted average. I am deeply concerned that including whole milk in the weighted average will limit the choices of popular, nutritious foods and reduce portion sizes. In effect, the proposed rule will exert pressure on school food service personnel, administrators, parents and lawmakers to change or circumvent the current federal policy on whole milk.

Economic Impact

I take strong exception to the Department's assessment of the impact the proposed rule will have on the cost of the Federal dairy price support program, CCC purchases of manufactured dairy products, and prices dairy producers receive for their milk.

To say the least, the price of cheese is volatile. Just this year we saw a six-week free fall in the price of cheese at the National Cheese Exchange in Green Bay when a couple of processors had a few extra boxcars of cheese to sell. When all was said and done, the price producers received for manufacturing milk had dropped 15 percent -- over $1.50/hundredweight of milk.

As with a similar situation in 1992, it took advanced purchases of almost 20 million pounds of cheese for the school lunch program simply to stabilize the price of cheese and the corresponding price of manufacturing milk. But the price remains a full $1.50/hundredweight lower than it was just four months ago.

Given the impact of these two recent events on the price dairy producers receive for their milk, I find it absolutely incredible that USDA analysts would predict that a decline of 80 - 90 million pounds in the commercial disappearance of cheese would only decrease producer prices by 7 to 8 cents/hundredweight annually. If past history is any indicator, this is a gross underestimate of the potential impact of these new regulations on producer income.

Earlier this year, USDA had the opportunity to take some of the volatility out of the cheese market when it considered changes in the Minnesota-Wisconsin (M-W) price. Instead, it chose to make cosmetic changes which will actually increase the volatility of cheese prices. Now, by dropping an extra 80 - 90 million pounds of cheese onto the commercial market annually, USDA takes a second regulatory swipe at dairy farmer income in the same year and makes a bad situation worse.

I must, therefore, insist in the strongest possible terms that you drop any intention to modify the quantities of cheese and butter in your school lunch and breakfast menus.

Conclusion

Major changes, such as the nutrient standard menu planning, are not only unnecessary, but undermine joint efforts underway by food service personnel, educators, parents, the agriculture community, commodity distributors, and lawmakers to improve the nutritional content of school meals.

It is because of the massive changes advocated by the FNS that I support negotiated rulemaking included in the House version of the reauthorization of the School Lunch and Breakfast Programs. I welcome your thoughtful, cautious modifications to the proposed rule so that a consensus among all parties can be easily reached. I know that reasonable policy is reached by not going to extremes, but seeking out middle ground. An untested theory -- even with the best of intentions -- will negatively impact the health of our children, the livelihood of domestic agriculture, and efforts of food service personnel to administer a program which has become increasingly complex, bureaucratic, and restrictive.

I look forward to our continued cooperation, and hope you will seriously consider my views.

Best regards,

Steve Gunderson
Member of Congress

SG:jpl

Attachments

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Department of Public Instruction
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125 South Webster Street, Madison, WI 53702 (608) 266-3390/(608) 267-2427 TDD

John T. Benson
State Superintendent
Robert H. Gomoll
Deputy State Superintendent

August 19, 1994

Mr Robert M. Eadie, Chief
Policy and Program Development Branch
Child Nutrition Division
Food and Nutrition Service, USDA
3101 Park Center Drive
Alexandria, VA 22302

Dear Mr Eadie

The following comments are in response to the proposed rule on Nutrition Objectives for School Meals published June 10, 1994. The Wisconsin Department of Public Instruction strongly supports continued implementation of the Dietary Guidelines for Americans (DGAs). However, we do not believe that the proposed nutrient analysis method will expeditiously move us toward that objective. In fact, Nutrient Standard Menu Planning (NSMP) may inhibit the ability of schools to incorporate the DGAs

Our position is that the current meal pattern be modified as necessary to reflect the recommendations of the DGAs and the Food Guide Pyramid. The NSMP concept should be significantly altered and be optional for those schools having the capacity to implement. Assisted Nutrient Standard Menu Planning should be eliminated

Concerns About the Nutrient Standard Concept

1. The cost to school food authorities (SFAs) is significant. USDA staff has estimated that the software may cost $2,500. Projecting this estimate with no periodic updates and only one copy per SFA, Wisconsin schools would have to spend $2.25 million. The purchase of a computer based on USDA specifications to support the system could easily double that figure. Ignoring any staff cost, Wisconsin will conservatively expend $4.5 million to implement the proposed rule. If Wisconsin were representative of all states in our nation, start-up costs minimally would be $225 million. Considering the need for multiple copies of the software and several computers in medium to large size districts and allowing for staff costs, the national cost could approach $1 billion. In a letter to USDA from a Wisconsin school regarding the proposed regulations, the district administrator wrote "Again, please hear us loud and clear, the local school districts cannot afford anymore unfunded federal mandates."

2. The nutrient standard approach is the most significant change to the National School Lunch Program (NSLP) since its inception in 1946. According to Food Research and Action Center statistics, 25 million children nationwide in over 90,000 schools participate in the program serving at least three-fourths of the low-income children in this country. The proposal has too many unknowns that may negatively impact on the health and learning preparedness of all children, especially low-income children that depend on the meals served at school. USDA must test and evaluate the new regulation before it is required in schools nationwide.

BEST COPY AVAILABLE

3. NSMP is not consistent with established nutrition education efforts. People do not plan meals using computers and nutrient goals. USDA's significant investment in the Food Guide Pyramid has advanced the nutrition education efforts as exhibited by its widespread use. It seems premature and will be confusing to children and parents to abandon the pyramid.

4. The lack of a fortification policy may result in fewer fruits and vegetables being served and increasing the use of products high in sugar. This violates the DGAs.

5. USDA must seriously consider paperwork reduction to allow states and schools to direct their nutrition resources to improving school meals. USDA has offered to reduce paperwork by (1) extending the Coordinated Review Effort review cycle from four to five years, (2) eliminating the edit check in schools not experiencing counting and claiming problems (although some other method of internal control would have to be approved and used), and (3) eliminating the need to document nonprofit status while still requiring schools to maintain a nonprofit operation. It is our judgment that this falls short of a sincere effort to reduce the burdensome paperwork requirements.

6. For the purposes of a reimbursable lunch, a minimum of three menu items must be offered, one of which must be an entree and one must be fluid milk. Similar provisions guide the breakfast program. The concern is that requiring three menu items versus five under the current lunch pattern will result in less fruits and vegetables being selected.

7. Section 210.8 of the proposed regulations requires school food authorities to submit any internal controls developed that ensure accurate meal counts to our department for approval. This procedure replaces the edit check requirement. State agencies should not be in the business of pre-approving school food authorities internal controls as they relate to child nutrition programs.

8. Weighted averaging should be eliminated. It is complicated and paperwork intense. It focuses on students' food choices which will lead to schools limiting choices offered in order to meet the nutrient criteria. This is counter to the DGAs.

9. The analysis of breakfast and lunch must be combined so schools may average nutrients over a period of time.

10. The proposed regulations apply NSMP to the National School Lunch and Breakfast Programs. By not applying the standards to the Summer Food Service Program and the Child and Adult Care Food Program, schools are faced with two sets of complex regulations. This magnifies paperwork and discourages schools from offering programs.

11. The proposed regulations recognize that schools may not have the capacity to independently conduct nutrient analysis. To ensure consistency with the nutrient analysis of a provided menu, schools must follow standardized recipes, food product specifications, preparation techniques, and be willing to work extensively with computer generated analysis, re-analysis, and substitutions of multiple food items. Therefore, training would be critical.

    Our department sent two registered dietitians who are computer literate to USDA's training session for the Nutrient Standard Demonstration Project to prepare for the pilot project to be conducted in Viroqua Area School District. Assuming that our office would conduct the same level of training for Wisconsin schools, we would have to spend 1,593 days of training. This does not include preparation time, scheduling or travel. Given the current staffing and responsibilities related to USDA regulations, our office could not provide this level of training.

12. The regulations pose a serious threat to the image of our programs. Individuals are already constructing various lunch combinations that would meet the prescribed nutrient standard. One example is an eight ounce serving of whole milk, two slices of bacon and two cups of ketchup. This type of example will provide the press sufficient ammunition to ridicule our programs and parents would rightfully question our nutritional credibility.

13. If schools limit choices under the National School Lunch Program in order to cope with the complexity of nutrient analysis, students will purchase desired foods from a la carte. Unfortunately, the migration to a la carte will mostly be by those most able to pay, leaving the needy students as the primary participants. This will increase the stigma already associated with our programs.

14. The regulations' movement to standardization ignores site based management which provides schools flexibility to adjust menus to meet local needs. Student and parental involvement would be greatly reduced because of the technical computer approach and reduced even further if Assisted NSMP were used.

Recommendation

The eating behavior of our society will not be significantly changed through legislation and excessive regulations. Our citizenry deserves sound nutrition education upon which to base healthy, lifelong food choices. We must dedicate ourselves to nutrition and nutrition education while diligently reducing the paperwork burden faced by schools. Our food service professionals have continually demonstrated that they will exceed the standards established by USDA. Let that standard be nutrition as guided by the Dietary Guidelines for Americans and taught by the Food Guide Pyramid.

As stated previously, the current meal pattern (which is food based) should be modified to reflect the recommendations of the DGAs and Food Guide Pyramid. Nutrient standards could be maintained as goals not quantitative requirements. Nutrient analysis could be an evaluation tool upon which to base technical assistance and may be an excellent supplement to current nutrition education training.

We are very appreciative of USDA's efforts to incorporate the Dietary Guidelines. As the American School Food Service Association has done, we pledge our full support for further implementation of the DGAs. Thank you for the opportunity to comment.

Sincerely,

Richard A. Mortensen, Director
Bureau for Food and Nutrition Services

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School Nutrition Program
School District of La Crosse
807 East Avenue South, La Crosse, WI 54601
(608) 789-7625

Marilyn Hurt
Supervisor

May 4, 1994

Representative Steve Gunderson
U.S. House of Representatives
Washington, DC 20515

Dear Representative Gunderson:

I am writing to express my concern over the paperwork required in administering the school nutrition programs.

This letter specifically addresses the paperwork required for ***Summer Food Service*** programs.

Enclosed are the forms and papers that had to be filled out by the School District of LaCrosse and sent in duplicate to Madison in order to participate in the 1994 Summer Food Service Program. As you can see, a 4 page form must be filled out for every site!

We will serve meals for 5 weeks at 9 sites within the city. This is a small program compared with programs in major cities where there are hundreds of sites.

I must also note that this is just the paperwork required on the front end of the program. By the time the program ends, we have almost one-half of a file drawer filled with paper for this simple 5 week program. This is ridiculous!

It is my suggestion that schools which are already part of the National School Lunch Program should be able to by pass some of these requirements. These rules are designed for providers who are not normally part of the federally funded child nutrition programs and who lack experience and skills in feeding children and following federal guidelines.

More specifically, schools which are part of the NSLP should be able to:

1. Fill out a simplified one page application.

2. Include all sites on one form - just as we do for the National School Lunch and Breakfast Programs.

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3. Forego mandatory training for administrative personnel. Each year, we must attend a one day inservice for Summer Food Service in Madison. It is a waste of time and money. We learn nothing new. There is nothing more frustrating than sitting through a class which gives you no new knowledge and information.

4. Delete requirement to submit menus, plans for corrective action, and schedules for preoperational and site visits (one preoperational visit and two follow-up site visits are required).

5. Simplify the reimbursement claim so that it resembles the one used for school lunch. We should be able to turn in one total for lunches and breakfasts - rather than turn in a number for each individual site.

6. Combine the "Operating Costs and Administrative Costs" reimbursement rates into one combined rate to simplify the calculation of the claim.

7. Delete requirement to turn in expenditures by the month. We only serve for 5 weeks - two and one-half weeks in June - two and one-half weeks in July. We are not permitted to turn in one claim or report the expenditures at one time. We must divide it up by the month. This is another time waster.

8. Delete the "Budget Approval" requirement. Our budget is submitted and approved by our school boards through a lengthy budget approval process.

9. Report all expenditures as we do for the school lunch and breakfast report. We do not pull out administrative labor from the other labor during the school year. This requirement creates busy work. In fact, this program is so laden with paperwork that we are unable to charge all of the administrative time because the rules don't allow it.

These rules discourage schools from offering the Summer Food Service Program. Many major city school districts leave this responsibility to other organizations which do not have the expertise, the skilled workers and the facilities to provide these meals to children.

On the other hand, who is better prepared than schools to provide this service? Why do we have rules which discourages the communities' nutrition and food service experts from offering these meals? The federal government would be wise to offer schools an incentive for providing these meals. There would be less waste and less risk. We are trained in sanitation and safety, in purchasing, in menu planning for children, etc.

Making these changes would be a wise investment for our children.

Thank you for considering these issues. I have purposefully omitted items which carry an additional cost.

Sincerely,

Marilyn Hurt

Marilyn Hurt

Mr. STENHOLM. Mr. Glickman.

OPENING STATEMENT OF HON. DAN GLICKMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS

Mr. GLICKMAN. Thank you. Thank you, Mr. Chairman.

Ms. Haas, it is a pleasure to welcome you. I just have three things that I hope your testimony can reflect and some of it has already been addressed. One is I think we do need to know what the cost of the proposed rule is, not only on the Federal Government, but on State and local governments and school districts.

As a former school board member, I know all too well how little flexibility there are in school district budgets. And I think we need to have an honest approach as to what this is going to cost at each level of the governmental structure.

Two, I think we need to know what new commodities will be offered under the proposed rule and what commodities will be reduced. While I hope that we don't get into an intermeshing warfare, as Mr. Gunderson just mentioned, I think we need to have some idea of what will be the relative effect on commodities as a result of this proposed rule.

So saying that, Mr. Chairman, I look forward to the testimony of the witnesses.

Mr. STENHOLM. Thank you.

First witness then is Ms. Ellen Haas, Assistant Secretary for Food and Consumer Services, USDA.

Ellen, welcome.

STATEMENT OF ELLEN HAAS, ASSISTANT SECRETARY, FOOD AND CONSUMER SERVICES, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY GEORGE BRALEY, ASSOCIATE ADMINISTRATOR, FOOD AND NUTRITION SERVICE; AMANDA MANNING, ASSOCIATE ADMINISTRATOR, FOOD AND NUTRITION SERVICE; AND EILEEN KENNEDY, SENIOR NUTRITION SCIENTIST, FOOD AND CONSUMER SERVICES

Ms. HAAS. Thank you very much, Mr. Chairman and members of the subcommittee.

Let me first say that we welcome the opportunity to be before you today. This is our second visit. We were here on June 9, 1994, the day after Secretary Espy and I announced our school meals initiative for healthy children.

Let me also say, Mr. Chairman, I was very taken with your remarks regarding the committee's, as well as the Department's responsibility in this area. I share with you the belief that nutrition is really a bridge between agriculture and health. And agriculture plays a very important role in the health of children and America's schoolchildren. And these proposals do in fact reflect the coming together of the agricultural interests, as well as the health interests. All for the primary mission of supporting and promoting the health of our Nation's schoolchildren.

Since our testimony on June 9, there has been a great deal of interest in this rule. Newspapers around the country have run stories and editorials. In fact, to this day, there have been more than 70 editorials across the country, many or most of whom have been supportive, and more than 700 news stories have appeared across the country. Such support as the Portland Oregonian, the New York Times, the Houston Chronicle have really been indicative of the kind of interest that local people have regarding this rule. It is a response to a new USDA, which under Secretary Espy's leadership has accepted its health responsibility for ensuring that our programs play an important role in promoting the health of children.

I know that the members of this committee are aware of recent USDA studies that have shown that our school meals programs are too high in fat, saturated fat and sodium. The changes the USDA is proposing will ensure that our Nation's children will have more healthful menus in school.

I think that is really very important. It is a way of underscoring our goal, which is a very simple one. It is healthy children. And it is to that end that we are committed to finding a program and proposing a program that works, that is cost effective, but most importantly, it assures the health of our Nation's children.

There is a scientific consensus today that an inadequate diet is related to chronic disease. Since lifelong eating habits are established by the age of 12, it is essential that we help children establish good eating habits early.

The food that we offer in schools must set an example of what healthy eating habits are. We have a Federal policy today that is very clear, it is on what makes a healthful diet. The Department of Agriculture and the Department of Health and Human Services in 1980 established the dietary guidelines for Americans, which are based on the soundest of science and they are updated every 5 years. The guidelines are based on absolutely the best available scientific information in this country and the best medical knowledge and have been widely endorsed by the private sector and the general public.

The last time I appeared before this subcommittee, I outlined the USDA's school meals initiative for healthy children. And I think it is very important to recognize that in that initiative, and today as well, it is organized around an integrated, comprehensive framework for action. The first part is eating for health, meeting the dietary guidelines. Those are our regulatory proposals.

The second part is making food choices, the nutrition education, training and technical assistance. This component of making food choices is a critical component. And I think, as you hear my testimony and in my response to the questions, there has been some misunderstanding on the part of some of the introductory comments today, both by Congressman Gunderson and Congressman Roberts, about what this program is all about and about how we will be providing nutrition training and technical assistance to small rural schools.

Maximizing resources and enhancing purchasing power is the third, which is our program to keep the viability of the commodity program but improve the nutrition profile and improve the purchasing power of local school districts.

And the fourth, again, is a regulatory proposal to streamline the administration to reduce the paperwork so that the program works better and costs less. And I think it is very important to realize that our principles stress flexibility, our principles stress healthy children.

Today, I would like to give you a more detailed description of the major provisions of the proposed regulations. To begin with, school meal standards will be updated to meet the dietary guidelines for Americans over a week's time. The dietary guidelines advise that no more than 30 percent of calories come from fat and no more than 10 percent from saturated fat by the 1998 school year.

USDA's own studies show that less than 1 percent of the schools today are meeting the dietary guidelines. They are 25 percent over the guidelines for fat, 50 percent over the guidelines for saturated fat and 100 percent over the guidelines for sodium.

We are encouraging schools to make the changes earlier, but we understand that change takes times and we want to give the schools the time they need. Compliance will be achieved through technical assistance and corrective action, rather than through a punitive sanction program. Except in instances where schools refuse to comply.

Again, the misunderstanding of how this compliance system works is very important to how this program is viewed. To help schools meet the new requirements, we are establishing a new flexible, easy-to-use system of meal planning called numenus. This system of nutrient analysis will ensure that school meal providers can plan menus which meet the RDA's for calories, vitamins and minerals, as well as being able to limit the fat and sodium and other nutrients. This is our accountability measurement tool.

Numenus will use updated computer software and a national nutrient data base that was developed by USDA to help food service personnel plan and address school menus. Numenus is a planning tool which will remove the distinction about which foods are served and focus instead on total nutrients provided over the course of a week.

I know each of the members are concerned about the good food/bad food approach, and this instead is an approach that looks at the total menus over a period of time.

We already know that this system works. It has been tested. It has been proven successful. I think, again, there is misunderstanding that this is a new system that we have just come up with this year. In fact, since 1989, many California schools have used nutrient-based menu planning with excellent results. And under this system, program costs have stayed the same or actually decreased.

Numenus builds upon this success. It is a proven method upon which hundreds of schools around the country have already improved the nutrition of the meals they serve. Nonetheless, USDA's proposal acknowledges that there are 92,000 schools across the country participating in the school meals program. And we know, just as Congressman Gunderson earlier mentioned, that there are small rural schools that have less resources and less ability to meet some of the programs. And for that reason, to help these schools, many of whom are small and rural, who have limited access to technology, USDA has proposed what we are calling the assisted numenus system. The assisted numenus system is a system of choices, options and resources designed just for those small schools. It will provide them with menus which meet the dietary guidelines.

It provides them with free—and I underline free assistance, which will be made available from USDA and it will include standardized recipes, menu cycles and food product specifications.

We also will offer preparation methods and techniques for meeting the dietary guidelines. We recognize that there are many school districts, food service personnel who are very dedicated, who want to offer their children in their schools meals that meet the dietary guidelines, but they don't have the schools and resources to do it and to do the planning. So therefore, we have an assisted numenus system.

USDA has also had a long history in providing technical assistance. But the money that is in the President's budget, the money that is in the appropriation bills as they have passed each of the Houses, will ensure that those small rural schools that you have concern about will have the kind of assistance to ensure that their children in their schools have meals that meet the dietary guidelines.

With the tools and technical assistance provided under USDA's assisted numenus, every single school in the country will be able to comply with the new regulations and serve meals which improve the health of our Nation's children, all 92,000 schools.

Beyond numenus and assisted numenus, there is a wide variety of free technical assistance which would be available to schools under our proposal. I would like to mention just a few.

We intend to offer access to computer support, which would include a USDA data base system that is special and that offers an analysis of the foods that are used—again, we want a system that promotes a wide variety of foods, rather than being exclusive in the kinds of foods, we want it to be inclusive. Today's meal pattern is so rigid that foods like yogurt, ethnic foods, cannot be included in that meal pattern. This new system promotes a wide flexibility of all foods that will be counted—USDA's screening and approval of all commercial computer software for operating numenus systems and free training, free numenus computer training for State agency staff.

Also, we will provide State agency grants to fund numenus training and technical assistance for local food service staffs. New standardized low-fat school lunch recipes and accompanying training and promotion packages will be available to States and schools.

We have already begun to collaborate with chefs across the country. Just this summer alone, I have been a keynoter at three different chefs' conferences. These chefs from around the country are donating their services in local communities to provide recipes so that food tastes good, looks good, and is good for kids at the same time.

Just this summer, I attended the American Culinary Federal School Lunch Challenge where the organization of 20,000 chefs across the country engaged in a challenge that prepared recipes that met the dietary guidelines that cost the same price as school lunches, which are very little, about 72 cents, and that they provided meals that tasted delicious. We are going to provide those recipes to all the schools across the country. We will be distributing the winning recipes.

These are just a few of the examples of the kind of assistance that we are providing, because we have a concern, like you do, Congressman Gunderson, about small rural schools, about schools everywhere across this country.

We also have a concern about paperwork, about complexity, and for that reason, one component, a major component of our regulatory change is to streamline the administration and to reduce the paperwork burden. We provide that proposal so that the staffs can concentrate less on bureaucratic redtape and more on designing healthful menus. We propose reducing paperwork by allowing State agencies and school food authorities flexibility through the extension of the coordinated review effort from 4 years to 5 years, by deleting a requirement for specific types of edit checks on daily meal counts and by eliminating the Federal requirements that schools document that they are operating on a nonprofit basis.

We are analyzing ways to regularly measure improvement in the quality of school meals on a national basis, and that what we are really doing is we are changing the emphasis in this program from redtape, where it was for many decades, to nutrition. And we are doing that not only in school meals, but across the Department.

As I testified 3 months ago, through our school meals initiative, we are making the most dramatic changes in this program since President Harry Truman established the program in 1946. There is no question about it. This is the first time in 50 years we have updated the nutrition standards, and we know since 1946, the world, medical knowledge, sound science, has changed dramatically, and we know the relationship of diet and heart disease, and diet and cancers and diet and chronic diseases.

Also, let me say that USDA's commodity programs that you spoke about, Congressman Glickman and Chairman Stenholm, are very important and we need to continue to provide vital support in helping our school meal programs meet the dietary guidelines by utilizing our commodity programs. Commodity groups across the Nation are committed to working with USDA, and rather than being left out of the process or being angry about the process, the commodity groups have been a vital part of the process and are working with USDA to provide schools with recipes and technical assistance in using these new products. Because actually, the commodities themselves are undergoing major changes. There are lower fat dairy products. There are lower fat beef and pork products. There are lower fat products across the board. And I think that that is very important to recognize, that the commercial market has seen dramatic changes, just like we are changing the marketplace for school meals, USDA also will provide nutrition labels on commodity products donated to schools.

Right now when I have gone back to the pantries and school lunch cafeterias, I have seen name brands sitting next to our commodity products with no nutrition labels, no information on how to use and find out about what is in our commodities. But we are going to bring those commodities into the new era so that they can sit side-by-side with other products that have nutrition labels.

Also, let me say that Secretary Espy recently established the Commodity Improvement Council to promote the health of schoolchildren, while at the same time, supporting domestic agriculture.

I am happy to say we have had our first meeting. It was a highly successful meeting. Under Secretary Eugene Moos and Acting Assistant Pat Jackson, as well as the Administrator of ASCS and the Administrator of AMS attended that meeting, and we have now taken the first step by beginning a systematic, comprehensive review of current commodity specification products as a way to improving the nutrition profile.

We also want to form new links with local farmers to help schools purchase regional commodities in a more economic way. We share your concern Congressman Glickman, about cost. And everything that we are doing is ensuring that the cost will be less to deliver healthy meals, rather than more.

We want to also increase the variety of fresh fruits and vegetables available to schools through a pilot program, through the Department of Defense, which will act as a procurement agent for USDA. Schools will then have access at a lower cost to the same wide variety of produce that is currently available in military commissaries and mess halls around the country.

USDA's school meals initiative for healthy children was developed as the result of one of the most extensive consultative processes in the history of the Department of Agriculture, probably in the history of the Federal Government. We held four national hearings. We analyzed 2,400 written comments, and we held all day long, focused-issue roundtables.

Our commitment to this public process extends to the comment period. Once again, we want to hear from the public. And I am very encouraged to say that now that we are ending the completion of our 90-day comment period, which is one of the longest comment periods ever in the history of the FNS, and in the Department as well, that as of today, we have gotten more than 6,000 public comments—and, Congressman Gunderson, the concern you have, we have gotten a great many comments, a great, great many from food service directors, food service personnel, even though there is vacation time, as well as a great many from heart association volunteers, from medical organizations, from parents who are concerned, from children who wrote about it, from consumer groups, from health organizations. That 6,000 represents a very wide spectrum that includes commodity groups and food industry groups. The largest spectrum of public participation that I think has ever been seen in the Department of Agriculture.

I am pleased to say that this testimony that this hearing will produce will be part of the public record, and so I appreciate Congressman Stenholm's forethought to have this hearing, because it will be an invaluable part of our record. And I will assure you and members of the committee that all of these parts of the public record will be carefully considered.

Let me say that we believe the school meals initiative for healthy children is a model for reinvention of our Federal programs, as well as a model for promotion of national health and nutrition, and we want to continue to serve the public in new ways. Just last week, we held a press conference with the National PTA to announce our "Parents' Guide for Healthy School Meals." It is a checklist of 10 actions that concerned parents can take to make sure their children have access to healthy meals in school.

USDA and the National PTA are distributing this guide through the 27,000 units of the National PTA. The guide marks the beginning of a national initiative between the USDA and the PTA. It is a very positive step and a very important step.

Also, let me say that a recent USDA national poll shows overwhelming public support for USDA's initiative. More than 94 percent of those surveyed are supportive of USDA's initiative to ensure that the Nation's school children have access to healthy school meals at school. More than 89 percent of those surveyed and more than 94 percent of those households with children agreed that children should have more healthful school lunch meals and school breakfasts.

I think that that survey is very indicative of where public support is and has been since we began this initiative 1 year ago with our public hearings around the country. We cannot undertake this massive change without the full cooperation of all of our partners, and as I said, and as I said last time as well, we have a commitment to this partnership, a partnership with Congress, a partnership with food service directors, with commodity organizations, health organizations, parents, and most importantly, with the children who are part of this program. We plan to hold a roundtable later this month on our national partnership program. We look forward to working with these many organizations.

We also plan to hold a national teleconference, video conference that will be up on satellite all across the country at the end of October. That will deal with nutrition and healthy kids and how this fundamental revision is a beginning of an era of continuous improvement in a healthy future for America's children. Only through partnership can we make the most dramatic changes, the most dramatic positive changes for the health of our Nation's children since President Harry Truman began this program in 1946.

I am delighted to be here and to answer any questions you have.

[The prepared statement of Ms. Haas appears at the conclusion of the hearing.]

Mr. STENHOLM. Thank you very much for that very encompassing testimony. I especially appreciate the emphasis on cooperation and partnerships, because that truly is the only way to achieve the goal of 92 percent of households with children agreed, and that is that USDA should take action to improve school meals. We all agree to that.

But there is, as you have recognized with the thousands of comments that you have received, there is a healthy skepticism out in the country as to whether or not Washington can come up with the right solution or suggestions, and that is a skepticism that we have to work on. And in so doing, I want to ask a couple of questions.

Many school food service directors have asked that you develop food-based menu systems as an alternative or a complementary program, along with the one that you are now talking about. Wouldn't that alternative be an easier way for some schools to meet the goal of the regulation to serve children healthier meals?

Ms. HAAS. Congressman Stenholm, let me provide you with an answer to several parts of your question. One is cooperation is essential and change doesn't come easy. And I think it is very important that we cooperate to see that we get to the goal that everybody shares.

Let me say, too, that I agree with you that Washington doesn't have all the answers. That is why we have conducted an extensive consultative process and why we held our hearings all across the country. And what we heard from those hearings and what we heard from individuals all were reflected in the proposals we made. And because the public comment period is open until tomorrow, I can't engage in hypothesis about what might or might not be. But I can give you our rationale of what we proposed.

Let me say that the easiest way to meet the dietary guidelines and the assurance, the accountability that we get to our goal is through the new numenus system. The numenus system takes food, so it really is food-based to begin with. But it provides a system that is a planning system and, more importantly, an accountability system. It allows food service personnel in La Crosse, Wisconsin to look at their menus over a week's time, not to look at it food-by-food and is this a good food or is this a bad food, but to measure and to seek an accountability with the standard.

I think we would place a very cruel hoax on American children if we had a standard but we didn't ensure that it was getting there at the local level. And so the numenus system is our measurement tool, along with the standard and along with the compliance system, of accountability that we are delivering meals that meet the dietary guideline. And it is easy to use. But for those people who have trouble, we are providing an assistant system to give them the training and technical assistance to get there.

Mr. STENHOLM. How do you respond to the criticism that your proposal focuses only on the reduction of fat and saturated fat and does not emphasize the need to increase the consumption of fruits and vegetables and whole grains?

Ms. HAAS. Well, that criticism is a misunderstanding. Let me say that we are building on what currently exists, which are the RDA's that every school will still have to meet one-third of the RDA's for calories, vitamins, and minerals. It is not a fat rule. What it is, is it incorporates the dietary guidelines for Americans into existing standards.

In 1946, all we knew about were problems that related to inadequacy. And so we had this rule that was established because many young men who tried to get into the armed forces in 1946 couldn't get in because of malnutrition at that time. They didn't get enough vitamins. They didn't get enough minerals and they didn't get enough calories. We are keeping that because that is still important.

But today we know that diets that are high in fat contribute to heart disease and cancer, and we know that our diets in the United States are high in fat, and diets in the school meals program are particularly high in fat. But also, the dietary guidelines, Congressman Stenholm, relate to sodium, relate to reducing sodium, relate to increasing fiber, increasing fruits and vegetables and grains. So the dietary guidelines also say eat a wide variety of foods. All of that will be included in updating the standard.

Mr. STENHOLM. But doesn't focusing on nutrients ignore fiber? Fiber requirements of the body?

Ms. HAAS. The focus is on the dietary guidelines for Americans. Let's think of this rule as having three components. The first part is the standard. And what we are doing is incorporating the dietary guidelines for Americans, which focuses on a wide variety of foods but limits the nutrients or limits the amount of fat to 30 percent to fat and 10 percent to saturated fat.

The second part where you are talking about, the focus on nutrients, is again the measurement part or how do you get to know that the lunches you are serving to the children actually and in fact meet that standard? And the only way you can find out is by looking at the nutrients.

Let me give you an example: If you had potatoes as part of a meal pattern or as part of the foods, those potatoes could contribute one set of nutrients, if it was a baked potato. But if you had French fries and they were fried, it is going to be a very different nutrient profile. Would it be fair to have a rule that only looked at the food potatoes, without taking into consideration whether they were fried, baked, or mashed?

So again, how the school food service person will know what kind of job they are doing is by doing this kind of nutrient analysis. And the standard that we are setting is for dietary guidelines, which in effect really is a food-based system.

Mr. STENHOLM. Thank you.

Mr. Roberts.

Mr. ROBERTS. Thank you, Mr. Chairman.

Some of my questions will be somewhat repetitive of the chairman's questions. Here in Washington, as we all know, repetitivity is a hobgoblin of small minds. The changes that you are proposing represent some significant shift in the methods that local school districts will use.

I guess we get back to the question that Mr. Gunderson raised, and that is the equal or the corresponding shift in the eating habits of children. Mr. Gunderson did point out that we have 44 percent of schoolchildren who do not participate in the school meals program.

What I am concerned about, as a matter of fact, is that we have a prognostication or a prediction by the State of Wisconsin and the department of public instruction—and we are hopeful of getting the same thing from Kansas—the chief of that division says the regulations pose a serious threat to the image of our programs, individuals who are already constructing various lunch combinations that would need to prescribe nutrient standards. One example is an 8-ounce serving of whole milk, two slices of bacon, and two cups of ketchup. Now, that is probably an extreme example. But what I am worried about is what is going to happen in reference to eating habits of children.

I will tell you what is happening in Dodge City. Six blocks south of the school, if this continues in terms of nutrients-only to reach our primary goal, we may end up with more people going down to Wyatt Earp Boulevard to Wendy's, McDonald's, and the Sonic. They go a block further, turn left and go to Kate's. Actually, they better not go to Kate's. They serve liquor there and there is a pool table, so I don't think they should probably go there. But they have great tacos. Or the country store on down another block. They are going there now. That is my concern.

Have we done any studies to indicate whether the 44 percent participation rate will go up? I am talking about eating habits. I am not talking about the cost in regards to the local school district. I am talking about the eating habits. Where are we on that?

Ms. HAAS. Well, let me tell you something, I am concerned, very concerned, about the fact that only 44, 43 percent of children participate. In fact, Congressman Roberts, it has been dropping at 1 percent a year for the past 7 years. What is happening is that many of those children who are not eating in school are not eating in school because their parents feel it has not been healthy for them. Also, there has not been a nutrition marketing program and health promotion. Also, what we heard from kids is that there is a problem with taste. That is why we have not proposed a program that is one dimensional.

We have our regulatory changes and then we are going to engage in the best children's nutrition campaign you have ever seen. Let me tell you, we have plans that are going to make healthy eating as fun and important to children's lives as the campaigns to wear a seatbelts, the campaigns to recycle, where kids have been the leaders in their family and have led their family in changing behaviors. The same can be done with nutrition. Because kids are changing.

Also, let me say, Congressman Roberts, that the truth of the matter is that the food marketplace has changed. That the food companies have done a tremendously good job and the commodity groups have done a tremendously good job in marketing nutrition to consumers and the consumers are buying it.

Why shouldn't our school lunch program that serves 25 million children and our school systems that serve 50 million children have the same kind of nutrition promotion in their schools and the same healthy products available? Again, that is why we at USDA under Secretary Espy's leadership took our health responsibility seriously.

Mr. ROBERTS. Ms. Haas, I do not believe the children are going to leave this school lunch program because it is healthy.

Chairman Stenholm has a plane to catch at 5 o'clock. And I think the answer is yes; that you think it will go up over the 40 percent.

Ms. HAAS. It is not only yes, but the evidence is there in the marketplace.

Mr. ROBERTS. I have another observation, and the thing that concerns me is under all three scenarios, why butter is eliminated, and others, cheese is significantly reduced—I am giving the Gunderson speech here—turkey, beef, and chicken use drops, fruits and vegetables go up, we all agree wheat goes up, for sure on that, these regs state it is possible to achieve the dietary requirements with no change in commodity markets other than in butter.

But there is a possibility we will hear from the commodity groups there could be a detrimental impact. You are certainly free to respond, but I would urge you not to fall in the trap of classifying foods as good foods or bad foods. And I know you are not trying to do that, so that is just an observation.

Now, very quickly, you are changing the way schools measure the nutrient content of the meals. Right now they must meet a USDA designed meal pattern that specifies minimum amounts by age groups of five food items that must be offered to children. The proposed change involves the use of a nutrient standard menu planning in which every food item must be analyzed for its nutrient content. Schools must use a USDA software system or one approved by the Department.

Let us get back to the question by Mr. Glickman. Your own USDA study of school meals show that school lunches already exceed the recommended dietary allowances for nutrients such as proteins, vitamins A, B, B6, and calcium. Do you believe school meals will be improved sufficiently to offset the additional cost per meal? I know you have a program to assess them, but Mr. Gunderson can point out to you in the ag appropriations bill where Congress cut your funding. I know of no assistance that is going to help the Dodge cities or the Wisconsins or the Texases or the Wichitas that will offset that cost.

What I am asking is, is there a cost/benefit process here that will make this work?

Ms. HAAS. To begin with, Congressman Roberts, the agricultural appropriations were not cut for the training and technical assistance.

Mr. ROBERTS. I have—food program administration is cut $1.68 million.

Ms. HAAS. That has nothing to do with this. That is not it. There is $20 million for nutrition education, training, and technical assistance that is in both the Senate and House appropriations bills.

Mr. ROBERTS. Dick Durbin did you a favor. He didn't do many favors but he did you a favor.

Ms. HAAS. The Appropriations Committee did the favor to America's children.

Mr. ROBERTS. OK, he did. God bless Dick Durbin. And tell him I said that, OK?

Ms. HAAS. You tell him.

Mr. ROBERTS. I have been telling him. California has been testing the nutrient standard menu planning process since 1991. Currently, it has taken an average of 6 months before the program could produce a menu for one school, 2 years for one school district to implement the program for its schools. Employees with computer skills are essential.

Who pays for the additional responsibility? That is my basic question.

Ms. HAAS. Well, let me say the nutrient standard menu system in California has been working and what they have demonstrated, Congressman Roberts, is that it has been cheaper. They have been able to actually, in fact, deliver meals at less cost, and I would ask Amanda Manning, who is our Associate Administrator of Nutrition, who headed the projects there in California to comment on that.

Mr. ROBERTS. Let me personally welcome Amanda to the subcommittee hearing.

Ms. MANNING. Thank you very much, Congressman.

Having come from California, I am somewhat familiar with their projects and we did not spend any additional funds. What we did was reallocate what we had in existing moneys and shift our priorities and use existing resources to channel into using nutrient standard menu planning. So we in actuality did not spend any additional funds. We just shifted so that we could use it——

Mr. ROBERTS. What were the funds shifted from?

Ms. MANNING. The existing child nutrition funds—child nutrition program money, State administrative expense nutrition education and training program dollars.

Mr. ROBERTS. So it went from one program to another, and you thought the benefit from this program exceeded the benefit from another?

Ms. MANNING. Yes, I would say that.

Mr. ROBERTS. I don't know about any savings in that regard. What happens when a new product comes on to the market and schools want to use them? You are basing this on a computer software program that is essential to classify all that. How quick is the national nutrient data bank updated if you want to put on a new one?

Ms. HAAS. Very quickly. Again, this is a system that has great flexibility and I think you are going to be continually inputting and improving this program. There should be no problem. Also, the manufacturers who will be providing those foods will be able to also provide that information.

I think that there is a great similarity between food labeling, that manufacturers have been doing a great deal of the analysis to put it on the food label so that information is readily available, and I think you are going to see it being available to the schools in the same rapid way.

Mr. ROBERTS. What happens if a school wants to substitute, if they are not able to acquire one or more of the specific foods included in the meals? Now, if they want to substitute regular bread, say, with fortified bread, and the nutrient content of the meals changes; what would be your response to that?

Ms. HAAS. Well, first of all, you had a concern before about good food/bad food. I think it is very important to know that the standard we have is over a week's period of time. We are not looking at just one food, we are not looking at just one meal, but we are looking at a menu over a period ot time. And that is why it is very important to get that bottom-line nutrient analysis so that you can see what it adds up to over that week's time.

So what I think you have here is a very fair reflection and a very fair measurement tool to actually what the children are being served.

Mr. ROBERTS. Last question. I apologize to my colleagues for going over time.

This gets back to the chairman's question. On the way to make the process less complex by using food as the measuring base rather than nutrients—I know you don't want to do that; I know this is the brave and exciting world we are into now—but I have been informed your own report found that school meals meet the recommended dietary allowances, the RDA's—everything has to be an acronym—for most nutrients.

If the fat and sodium content of the school meal is a problem, why don't we propose a way to improve that rather than change the whole system? And page 17 of your very good booklet says to use fats and oils sparingly in cooking, use small amounts of salad dressings, choose liquid vegetable oils, check labels on foods, meat, poultry, fish, dry beans, and eggs—and a lean piece of beef from Dodge City—and trim fat from the meat, take the skin off the poultry, et cetera, et cetera. We can do these things.

I know you said we are going to make it exciting and positive and fun, just like seatbelts and recycling, all from the Federal Government. But let me tell you—and again I apologize to my colleagues. I am out in St. Francis over the break. That is way out. Not the end of the Earth, but you can see it from there. Six hundred fifty citizens sign a petition on a recycling business. We are into landfill regulations. The Federal Government is saying close down your landfill. There is no safety problem. And we are going to have it shipped in trucks that do not exist, to a regional landfill that does not exist, by last October. And this is part of the unfunded mandate problem we are getting into.

When I was a youngster, my dear mother, Ruth, would sit with a lazy Susan and feed me spinach and carrots and things of this nature, and meat. I didn't have any desserts until I was probably 16, and so, consequently, I don't know how you are going to come up with this. It is sort of a forced-fed nutrient computerized Federal—did Benjamin Franklin ever envision this would be the primary duty of our Federal Government?

What is wrong with letting the local school people do this and lower the fat and sodium intake rather than all these regulations and paperwork that I know is going to come out of it?

Ms. HAAS. You forgot to mention, first of all, starting backwards, we are reducing paperwork. We are not increasing paperwork.

Second, I think things have changed. The world has changed since you were growing up. I hate to say it.

Mr. ROBERTS. Yes, and I have been against every one of them.

Ms. HAAS. I know that. I know you have, Mr. Roberts, and I hesitated to say it, but the world has changed since I was growing up, too.

Let me say since the 1940's, the food marketplace has changed significantly. Just since 1969. There was an average in the supermarket of about 8,000 products, today there is——

Mr. ROBERTS. I know why the industry has done that and that is to the good. And I know, as the chairman has indicated, we are making great progress. It is the level that I worry about. Why can't you just get lower fat and lower sodium and forget the paperwork?

Ms. HAAS. I wish it was that simple. When we had a permissive nutritional neglect policy at the Department of Agriculture——

Mr. ROBERTS. A what?

Ms. HAAS. Nutritional——

Mr. ROBERTS. Now we have to be nutritionally correct.

Ms. HAAS. Nutritional neglect. Then less than 1 percent of the schools met the dietary guidelines. Are you suggesting we continue a policy knowing that we are delivering meals that do not meet the dietary guidelines so that they are 25 percent over fat and 50 percent over the guidelines for saturated fat?

The time has come, Congressman Roberts, to look at the American diet and its contribution to lifelong health and to do something about it. And Secretary Espy has provided the leadership for us to come up with a program that is doing something about it, but is flexible.

I agree with you that local schools need flexibility. And the numenu system gives them flexibility, not with good food/bad food, but a system to use a wide variety of foods, but to ensure that they meet a standard of dietary guidelines.

Mr. ROBERTS. Amen.

Thank you, Mr. Chairman.

Mr. STENHOLM. Mr. Glickman.

Mr. GLICKMAN. Thank you.

Let me just ask you a couple of things. The last Congress, with the help of Mr. Stenholm and others, I was able to change the rules that allow fresh pizza to be served as part of a school lunch program. I understand that there are tens of thousands of schools now that allow fresh pizza to be served, and I am told by those schools the level of participation is up considerably in the lunch program because of that.

I am just wondering what your guidelines or the change in the guidelines would affect the sale of fresh pizza in the school lunch program.

Ms. HAAS. Let me say that—and pizza is a great example. I used potatoes before.

Pizza, if it meets the dietary guidelines for a menu over a week, can be a great contributor to the health of children. You could have skim, low-fat mozzarella for the cheese. You could have a whole wheat crust. And you can put vegetables on the top. In other words, pizza in and of itself, can be made in a wide variety of ways. So there is a great opportunity there to have pizza that is a contributing factor to menus over a week's time that meets the dietary guidelines.

Mr. GLICKMAN. But before and after. Before these changes in the guidelines, after the change in the guidelines, would there be any impact on a school district's ability to, let's say, have fresh pizza delivered every day into the school lunch program.

Ms. HAAS. The issue you dealt with, Congressman Glickman and Congressman Stenholm, last year, and the whole committee was dealing with the inspection issues.

Mr. GLICKMAN. I understand that, but let's say now we have it in the school lunch program. So let's say that every day, whatever pizza company is delivering pepperoni pizzas into school *x*, and kids are going through the lunch counter and buying that now. What would this do to that?

Ms. HAAS. It is the overall choices that are available. It can be part of it.

Mr. GUNDERSON. Would the gentleman yield?

I will read from the regulations. The cost analysis impact—cost-benefit assessment of economic and other effects of your regulations, page 4, it says one of the effects will be serving more meal mixtures such as chili and fewer grain mixtures such as pizza.

Mr. GLICKMAN. But what I want to figure up, it will have something to do with the total served every day. You are not forcing what the kids put in their mouths; are you?

Ms. HAAS. It is a long way from that.

Mr. GLICKMAN. I hope so.

Ms. HAAS. We are trying to promote choices, to promote a variety of foods, but it is very important that the schools update their standards. Why should we have 1940's standards when it is 1994? And so we are incorporating the dietary guidelines for Americans into existing standards.

Mr. GLICKMAN. But I am worried about how it is going to happen practically. What does this mean to school *x*?

Let's say this week it decides it wants to serve overall, offer the options to meet your guidelines, but a kid wants to come through every week and take the pepperoni pizza every single day. It is the only thing he likes and he wants to make sure it is offered every single day; is there a problem with that?

Ms. HAAS. Well, the kids you are talking about are very different from all the hundreds and thousands of kids I have talked to around the country who look for variety. They may like pizza, but it is doubtful they will have pepperoni pizza every single day.

I think what our standards are going to do, again, is going to promote variety, promote flexibility, and promote choice. It is not going to pigeonhole children in any single way.

Mr. GLICKMAN. I have had, and I am sure everybody out there has had kids, and you know what kids go through, some months my kids will eat pepperoni pizza every day for 3 months and then they are off of that and they go to something else for 3 months. Kids have very unusual dietary patterns and it is hard to pigeonhole your kids into what they eat. You just hope to God after they are all done, they have some common sense and know how to balance their diet.

Ms. HAAS. Congressman Glickman, I, too, have children, and I also have taught school, and I can tell you that it is very important today to have nutrition education as a complement to this whole undertaking. That is why we are very pleased that the money for nutrition education was included in the appropriations bills. It is included in the President's budget. So you have two tracks going on.

Mr. GLICKMAN. Let me stop you for a minute. I don't disagree with you and I have been an advocate of nutritional labeling, I have tried to get the saturated fats out of the kind of oils that are offered, we have been through the battle of the coconut oil versus—the tropical oils versus the nontropical oils, but it is a little like health care, the devil is in the details.

I want to, if I can, find out how this will actually be implemented in a local school district, in a local cafeteria, so as to make it sensible, that is the whole thing sensible, and so that you do not turn the kids off so that they decide they do not want to stay in school any longer to eat lunch.

Ms. HAAS. Well, that is what is going on, unfortunately, and what we are trying to do is reverse the pattern of declining participation. The choice is at the local level. The choice is in that school district for the food service managers to plan a menu over 1 month, to see to it over 1 week's time that it meets the dietary guidelines.

Mr. GLICKMAN. Is it a week; is that the period of time?

Ms. HAAS. The standard needs to be met over 1 week's time, yes. And we are not trying to pigeonhole, and we are giving local choices in planning those menus. And we are giving assistance in how to do recipes. We are providing recipes that are lower in fat and they taste good.

I can't tell you how important it is to put an emphasis on taste. That has been neglected too along with nutrition and what we are doing is putting that emphasis on taste so that we can build a program that emphasizes healthy children and has healthy and tasty eating as its central core.

Mr. GLICKMAN. My time has expired.

I want to say I agree with the goal. What happens is that it does not end up that way. Either the local school district feels their hands are tied or else there may be several ways to skin this cat. I want to make sure the local school district has gone down each of several different roads to skin this cat in order to try to provide the guidelines that you think are important and that I think are important.

Ms. HAAS. And that is why flexibility is one of the central principles, and in my testimony last June, I stressed how flexibility in our system is a flexible one and that we have alternative approaches, assisted numenus and numenus.

Mr. GLICKMAN. Thank you.

Mr. STENHOLM. Mr. Gunderson.

Mr. GUNDERSON. Thank you, Mr. Chairman.

Let me try to clarify a point that went out earlier. The food program administration at the Federal level is down $1.3 million, the new education and training program is down from $10.3 million to $10.27 million for fiscal year 1995, and everything tells me that is the program. And it just says here nutrition education and training program provides grants to States to help teach good food habits and the fundamentals of nutrition to children, parents, and school food service personnel.

So I don't know how you are going to get the training if you are not going to have the money. That is part of the problem you are facing in this particular area.

Let me ask you a question and that is that if these regulations are scheduled to go in effect in July of 1998 and it is currently September of 1994, why would you not extend the comment period?

Ms. HAAS. I will do two things. First, your first comment is you are omitting the fact there is a line item in the appropriations bill for implementing dietary guidelines, so there is targeted money available for the training and technical assistance in nutrition education. That is in the President's budget.

Mr. GUNDERSON. Is it in the appropriations bill? I am not asking about the request at what level.

Mr. BRALEY. $20.5 million.

Mr. GUNDERSON. For fiscal year 1995, both the House and Senate appropriations?

Mr. BRALEY. That is correct. It is in both bills.

Mr. GUNDERSON. I hope 't is there.

Ms. HAAS. We have kept a watchful eye on that number, I can tell you.

Your second point about 1998, let me say this. Once this comment period is concluded, and we have analyzed all the comments, and we come out with the final rule, any school in this country, and I would imagine many schools in this country can immediately apply to their State agency, can begin implementing the dietary guidelines.

Mr. GUNDERSON. I am not asking that, and I will not let you filibuster this question.

Ms. HAAS. I am not filibustering, I am happy to answer this.

Mr. GUNDERSON. Is the answer no to the question, will you agree to a negotiated rulemaking?

Ms. HAAS. I will answer your first question.

Mr. GUNDERSON. If your answer is no, I want to get on to my next question.

Ms. HAAS. Congressman Gunderson, you know that there is an answer that you may not want to hear.

Mr. GUNDERSON. No, I want to hear. Will you be willing to extend it? You told me no because they have 3½ years to implement it. So I want to go to question two.

Ms. HAAS. Congressman Gunderson, you are good at distorting what I am saying.

Mr. GUNDERSON. Are you willing to extend it?

Ms HAAS. We have had—the comment period is not concluded.

Mr. GUNDERSON. It is tomorrow.

Ms. HAAS. We have had 6,000 comments, the most ever in the history of this child nutrition program. We have met with more than 8,000 people.

Mr. GUNDERSON. Now, you are very good at repeating what is in your testimony. Will you answer my question?

Ms. HAAS. This is not the same as my testimony.

Mr. GUNDERSON. Let us go on to question three.

Ms. HAAS. If you have a new reason for government to spend additional time and money to have time for comments that will repeat themselves, then I would like to hear them. I have not heard you say those before.

Mr. GUNDERSON. Will you look at my submitted written testimony and the testimony of the Wisconsin Department of Public Instruction, and share with me within a week why that is not justification for extending the comment period?

Ms. HAAS. I am happy to look at anything you provide us, and I will submit the response to your office, sir.

Mr. GUNDERSON. Is that a yes or no?

Ms. HAAS. I am glad to look.

Mr. GUNDERSON. Within 1 week.

Ms. HAAS. We can comment, sure.

Mr. GUNDERSON. The Department, according to page 2 of the preface to the regulations, you say the Department is currently sponsoring a demonstration project to evaluate the optimum use of nutrient standard menus. I understand that demonstration project is not in operation.

Ms. HAAS. No, that is incorrect. We have had pilots and we now have 34 projects around the country to gain additional information that will help us in the implementation of this rule. So, again, that is the correct answer.

Mr. GUNDERSON. You say on page 5 of your regulations that the continuing survey of food intake by individuals conducted by USDA showed that fat composed, on average, 35 percent of calories for children ages 6 to 19 rather than 30 percent.

Do you have any medical evidence that suggests that that 5 percent fluctuation is detrimental to children at young ages?

Ms. HAAS. I would like to call now on our senior scientist of the Department of Agriculture for nutrition who is our Nutrition Policy Coordinator, Dr. Eileen Kennedy.

Ms. KENNEDY. Thank you, Congressman.

Yes, we do. When we looked at the evidence from the medical literature, diets that are high in fat, and that is defined as greater than 30 percent, starts a process of atherogenesis early in life.

Mr. GUNDERSON. I am sorry, can you repeat the last sentence, I didn't hear that?

Ms. KENNEDY. You were asking is there evidence that that 5 percent makes a difference, and based on the scientific literature, the higher the fat intake in a population the more that contributes to an atherogenic process.

Mr. GUNDERSON. You are talking about the whole population. You are not talking about children now; are you?

What I am trying to find out, and I am not waging a war on fat here, but I am suggesting that we are trying to totally destroy everything that exists in a hot lunch because there is a 5 percent differential in calories by fat between your USDA studies and your goal of 30 percent, which I think everyone concurs is a recommended goal for adults.

What I am trying to find out, because, frankly, all of the Canadian studies, as you are aware, and other independent studies in this country suggest that this 5 percent differential is insignificant, and the fact that you are going to make up that energy either from sugar or something like that with less calcium and other nutrients is probably, frankly, a negative.

Ms. KENNEDY. I will try to be succinct, because I know you do not want a long-winded answer on this.

Mr. GUNDERSON. Thank you.

Ms. KENNEDY. The health profile of American children that is emerging I find very disturbing. Let me use something not out of the Department of Agriculture, the recent Ed Haines III data from 1988 to 1991. When we look at American children, let me take a specific age group, girls, African-Americans, age 6 to 11, in the Haines I data, which came out of the early 1970's, the prevalence of obesity was 4.6 percent in that age group. The recent Ed Haines III data, which Assistant Secretary Lee presented at a recent meeting, shows the same age group, 6 to 11, measured in the early 1990's, the problem of obesity is now 16.2 percent. It has more than tripled.

It is a combination of factors. I would be remiss to say dietary is the only reason precipitating these enormous rates of obesity. I know you have somebody speaking later from the Council on Physical Fitness, but what we are seeing in American children is a movement toward diets which are precipitating certain chronic diseases, including obesity. That is exacerbated by changes in lifestyle, including decreased physical fitness, physical activity, in children.

We are trying to look at a holistic approach and how in the context of the food assistance and nutrition programs the Department of Agriculture tries to reverse this pattern. A part of the answer is the school meals, a part of the answer is what Assistant Secretary Haas talked about, which is a very aggressive nutrition aid campaign. That is No. 1.

Your specific question on the fat levels. My concern is, yes, there is evidence that the fat intake in American children does have physiological effects, and I can quote some specific autopsies of children who have been killed in accidents. What we are finding is that at earlier and earlier ages you are getting streaking in the aorta, and that streaking can, if left untreated, lead to fibrous plaques which then lead to coronary artery disease.

Mr. GUNDERSON. I want to go back and ask you to submit for the record any medical or scientific evidence that suggests that the fluctuation between a 30 percent calories from fat and a 35 percent calories from fat is significantly and sufficiently detrimental to just the kind of wholesale charges that you are making here.

[The material was not submitted at time of printing.]

Mr. GUNDERSON. Now, if the chairman will grant me 1 or 2 more minutes, quickly, is there any computer software program that has been approved by USDA?

Ms. HAAS. I don't think at this time—the data base has been completed and we are now at the stage of working on the program for the computer software.

On your medical issues, let me say one thing, which goes back to my comments earlier, we have a scientific consensus today that 30 percent of calories from fat for children over 2 is appropriate. We have a program that is delivering school lunches at 38 percent of calories from fat. And it is that gap between 38 percent and the recommended health policy of our Nation that we are trying to close.

Mr. GUNDERSON. Let me talk training quickly. The Wisconsin Department of Public Instruction indicates that they sent two registered dieticians, who are computer literate, to USDA's training session for the nutrient standard demonstration project to prepare for the pilot project to be conducted in the Brokaw area school district in my congressional district.

Assuming that our office, Wisconsin Public Instruction, would conduct the same level of training for Wisconsin schools, we would have to spend 1,593 days of training. This does not include preparation time, scheduling or travel, and it is operating under the assumption that all school food service personnel in each school district are computer literate.

The average wage of the school food service personnel in my congressional district is roughly $11,000. I can tell you most of them are not computer literate. My question to you is: How do you ever hope to achieve the kind of adequate training within the schedule you have established with the lack of resources that exist in order to implement this program?

Ms. HAAS. The people who you are referring to at the lowest level of literacy and the lowest level of pay are not the people who are planning the menus and carrying on the budgets for these programs, which are not small. I don't know in your district, but I

know they range from everywhere to hundreds of thousands of dollars that they are managing, to millions of dollars.

So the people who are responsible for implementing this rule and doing the planning and the nutrient analysis are not the people who are either neither computer literate nor nutrition literate. I think it is important to understand that there is a wide spectrum of people who work in food service, from the people who are the managers and the directors who will be responsible to the people who are serving who are less educated.

Mr. GUNDERSON. In most rural schools that is the same person.

Ms. HAAS. But then you do not understand, sir, we have an assisted system which will provide those local schools menus, recipes, analysis and consultants. What we are doing is setting up a system that provides the technical assistance. We have also called in, and worked with, the food service directors in the planning of this technical assistance, and either Amanda Manning, who has led that team's effort, or we can provide you in writing what we have worked with others to develop, and we would be happy to work with you in developing a system of technical assistance and training that is cost effective but helps people get there and helps people change.

Mr. GUNDERSON. I have another round of questions, obviously, but I have a time problem as well, so I have to run and do an interview.

Mr. ROBERTS. Would you yield quickly?

Mr. GUNDERSON. Go ahead.

Mr. ROBERTS. I asked my Dodge City folks to give me an estimate based on the new regulatory format and that has just now come in, and I apologize, and it is not to be written in stone. But we are talking $25,000 per school year. And unlike California, and I am not trying to pick on California, I don't know where we are going to substitute the funding. I don't know what we are going to take from to give to the extra cost that is for the computer purchases and training and any additional cost. And so it is that technical assistance—I know you are going to provide the technical assistance, but who makes up the $25,000? Again, you get from the 38 percent to the 30 percent, in terms of fat content.

But now, Ellen, you just talked about a week's diet here, and we are not picking out any one meal, but if the student has a low-fat breakfast, hopefully, they have three meals—some do not; that is most unfortunate—but it seems to me that is apples and oranges in terms of the total intake.

And like Mr. Gunderson says, if we are going to cost my hometown in this one particular area of $25,000, and I am not too sure that covers all the school system, to go from the 38 to 30 percent, when in fact the total intake should be measured, I don't know how we are going to do this.

Ms. HAAS. Two things. I don't know what their estimates are based on because the Economic Research Service and the Department of Agriculture's impact statement found that there would not be a cost in the school, and OMB's figures as well. And what I have heard—and some of these estimates are based on a misunderstanding of what the rule is doing.

Mr. ROBERTS. Well, that might be.

Ms. HAAS. So I would just say, sir, that we have to look at that. Second, what we are talking about here, and going back to Chairman Stenholm's early comment, that agriculture on one hand and health on the other, nutrition is the bridge. And we know today that diets that are higher in fat, and lunches that are 38 percent of calories from fat, 50 percent over the saturated fat level from the dietary guidelines, that the health of children is going to save cost in health care.

Mr. ROBERTS. I know that. That is why I said before, when you get at the sodium and fat content in a different way, that would not charge $25,000 here, that that might be the possibility.

The gentleman from Wisconsin yielded, and I am treading on the time of the gentleman from Illinois, so I yield back.

Mr. STENHOLM. Mr. Ewing.

Mr. EWING. Thank you, Mr. Chairman. Ms. Haas, thank you for being here. This program now is administered through the State departments of education, from your agency through the State. Is that the way it will be administered, the same way?

Ms. HAAS. There will be no change.

Mr. EWING. Is there any differentials made for regional foods? A lot of different parts of the country eat different kinds of food. All over the country it is not the same.

Ms. HAAS. It is going to be easy to use numenu system. It is flexible. It will encourage a wide variety of foods, ethnic foods today have not been able to fit into our current meal pattern. Many of the diets of Latino populations, the children were not eating at school because they were not getting the food they often had at home. So we are going to be encouraging regionally and ethnically diverse foods and that is a major change from what currently exists.

Mr. EWING. I think that is probably wise. I can tell you, though, that I, for one, believe that we should eat American food. It can have ethnic backgrounds, we are all ethnic, I don't think we need to divide ourselves any more, but let us Americanize it all and feed it to all of our children.

Ms. HAAS. Well, today's American diet is really ethnically diverse.

Mr. EWING. That is correct and we want to make it an American diet with a great ethnic diversification.

What happens if food is put into the plan, say, an enriched bread, and it is not available? Now, that is probably not the case with that example, can they substitute plain old white bread that I prefer?

Ms. HAAS. Again, Congressman, we are moving from a very rigid system where it was very hard to substitute, to a very flexible system where what counts is the bottom line; that you meet the dietary guidelines, the RDA's for calories, vitamins and minerals, and then the local school can choose what foods it wants to have as part of their menu.

Mr. EWING. Let us go back to that question. If you cannot get enriched bread, and you have to serve white bread, do you have to make another change in your menu?

Ms. HAAS. Well, first of all, all bread is enriched today. You are talking about having some added fortification.

Mr. EWING. Let us take the assumption that you have something——

Ms. HAAS. Substitutions is your basic question. Since substitutions is going to be the name of the game, in the sense that a great variety of foods will be available on menus, because what you are looking at is the total compliance with the dietary guidelines rather than having a very rigid meal pattern that tells us you can only have so much of certain foods. We are moving to a flexible system that gives a great deal of choice at the local level.

Mr. EWING. Are you saying that your new standards will be more flexible than the current standards?

Ms. HAAS. I am. That is right.

Mr. EWING. I want to just give you a little example. I visited in Edgar County, Paris, Illinois—some of your staff will be well aware of that area because they come from that part of the country—a fifth grade class the other day, and before I went to the class I was treated to lunch in the cafeteria. I did ask the head cook who provided the lunch, and I think we got the same lunch that everyone else did, what she thought about the new nutrition guidelines. I want to tell you, I was surprised. She said, I am for them.

Ms. HAAS. Good.

Mr. EWING. So you have gotten to her.

Ms. HAAS. She is part of the 94 percent.

Mr. EWING. And that did make a very favorable impression on me. But she went on to say, I am going to have to have a computer to keep the menu.

And I think that is what Congressman Roberts is saying, and maybe Congressman Gunderson and others, that this is not going to be that easily implemented in smalltown schools where the cook maybe is the dietician and is going to have that responsibility. Are we going to do anything about helping them with that?

Ms. HAAS. Yes, we are. Again, assisted numenus—let me say I have been to many schools over this last year, and it was going into small schools that I really saw what was happening in education. Many schools, almost most schools, and the trend is going up in huge jumps, have computers. So it is really what we are talking about is access to computers.

It need not be necessarily in the cafeteria. Maybe some food service directors do have computers. Most probably do because they are business managers. They are managing large amounts of money to run this program. So they need it for their production records and their business information and they are doing it. But the school has computers. More and more schools have them for other purposes.

We are talking about menu planning that takes place not very frequently throughout the year because once you get your set of menus for a month, you have your set of menus. You sit down, do it at the beginning of the year, you might do it several times after that, but then if the school does not have the ability, we will provide grants to States to help those schools. We will do it for those schools. We will provide training to those schools.

Schools can pool together. If you come from a small town maybe the small towns can pool together like they do in the WIC program for purchasing. To pool their resources to do that kind of analysis. Again, if there is a will, there is a way.

We want to be supportive of those schools who are working very hard, those personnel who are very dedicated. We want to work with them to help them get to the new standard that this person supports.

Mr. Ewing. Just in closing, my period is up, but let me say that usually the Federal Government has the greatest and best goals for these new and changing programs that we are always implementing on the locals. I think it is important for your agency and your Department to see that they are made simple and it is not new mandates on schools that do not have money, and that there is a way to do it without excessive bureaucracy. And that should be your goal and your charge if you are going to pursue this, or we will all be back here in this room probably at a less genteel hearing than we are having today.

Ms. Haas. I appreciate your comments, Congressman, and let me say that is why I have traveled this country and I have gone into schools in the inner city, I have gone into rural counties, I have gone into big and little, and that is why we want a program that is cost effective, that works better, ensures the health of children and costs less.

And we are committed to working with all of the stakeholders to get there and we, too, want to have a genteel hearing that everybody is marching together to make this happen for our Nation's kids.

Mr. Ewing. Thank you, Mr. Chairman.

Mr. Stenholm. Thank you, Ellen.

Thank you and your associates for some excellent testimony today. We appreciate your forthrightness in answering the questions.

I think the hearing today is indicative perhaps of yours and my shared wisdom of holding this hearing today, because I believe that there is a lot of misinformation, apprehension, both misplaced and well placed, because as you yourself have acknowledged, this is not a simple task. You are not suggesting that it is a simple task. The word flexibility you have used time and time again, and I hope everyone focuses in on that, the additional witnesses that we will hear from, and perhaps a review for all of us.

We are in a rulemaking procedure, and you kindly ducked my question a moment ago for a very good reason, until you make your decisions based on the 6,000 comments, it is going to be very difficult to answer those kinds of questions until you have reviewed not only the testimony today but also the 6,000 other commenters.

And as you do so, you are going to find a theme that is going to be expressed over and over, and that is where you have concern about change, and you have legitimate concerns about cost and you have legitimate concerns about unfunded Federal mandates, perhaps a more reasoned approach is called for—choosing my word—not a slower approach, but one in which we try things.

One of the things I have found in my work in the area of rural health has been a suggestion that we not mandate a new national program before we have tried some of the ideas at the local level and see if they work. You are going to hear this time and time again, particularly from those who are directly involved in our school lunchroom programs. Before we are mandated to do something, perhaps we ought to be allowed to try it.

I think I have already heard you say that in your testimony. I hope that when you come to the eventual rulemaking, that that thought process will be a very prevailing one, because that is something that you are going to hear over and over, a concern of not moving too fast.

When you mentioned computers, that kind of ran a little bit of a chill up and down my spine, because this committee has also been involved in the reinventing of USDA, the reorganizing of USDA, and one of the things we found when we went out to the country, we had a major problem with our computers because they would not talk to each other. And so this brings up a little bit of a problem perhaps, too, that we not put too much faith in technology short term. Long term, I could not agree more. And I think, in my limited capacity to understand a lot of the nutritional guidelines, et cetera, I understand that technology can be a big help and should not be a frightening thing to our schools, including our rural schools. But unless we move slowly and methodically, unless we have programs that work and unless we have the financial wherewithal to deliver them, we will run into some predictable problems that will cause us not to be able to achieved the goals that you have found that all of our school lunchroom personnel and parents and children would like to see us do.

So we appreciate very much your being here today. We look forward to working with you as you develop the regulations. I sincerely meant it when I started my comments today by saying there is a direct tie between production agriculture and nutrition, and there is a misunderstanding by so many people that producers really do not care about the end result of consumers. Furthest from the truth.

I think as we get further into the educational aspects of this and more and more is known about what production agriculture is doing in order to meet up front the changes in nutritional guidelines that need to be accomplished, if we can have that spirit of cooperation all the way through, you will accomplish the goals you have set out in a way that is going to astound perhaps even you and perhaps myself.

That is our goal. We look forward to working with you. And again thank you for being here.

Ms. HAAS. Thank you very much, Mr. Chairman, and thank you for your leadership and the committee's interest in this issue.

Let me say that I agree with you wholeheartedly on the goals, and that our proposal that we issued on June 8, was based, in fact, on what has been tried, what is the history, what is the effect, the best comments we could get, the most extensive input we could get, and we listened to what we heard.

Now, as we draw near the close of this comment period and the 6,000 comments, you can be assured we will study them very carefully and base our final decisions on the record and what is happening out there, but most importantly and most simply said, that our goal is to have healthy children.

Thank you.

Mr. STENHOLM. Thank you. I call panels 2 and 3. We would like to combine panels 2 and 3 together. So please, if you will, find a seat at the table.

Our next witness is Ms. Nancy Berger, chairman of the board, Connecticut division, American Cancer Society.

Ms. Berger.

STATEMENT OF NANCY BERGER, DIRECTOR, CHILD AND ADOLESCENT HEALTH, CONNECTICUT DEPARTMENT OF HEALTH SERVICES, ON BEHALF OF THE AMERICAN CANCER SOCIETY

Ms. BERGER. Thank you, Mr. Chairman and members of the subcommittee. I am Nancy Berger, director of child and adolescent health in the Connecticut Department of Health Services.

I am past president of the Association of State and Territorial Public Health Nutrition Directors, and I currently serve as chairman of the board of the Connecticut Division of the American Cancer Society.

Perhaps most importantly, I am here representing a very special future school lunch participant, my 11-month-old daughter Savannah Elizabeth, who along with her grandmother is here with me today.

I am pleased to be here today to discuss the American Cancer Society's comments on USDA's proposed school meals initiative for healthy children.

The American Cancer Society is pleased to have had the opportunity to the participate in two of the four regional hearings held by USDA last year, and we applaud the USDA's leadership in improving the health of America's children by providing for more nutritious meals and better nutrition education in schools throughout the country with the school meals initiative for healthy children.

The American Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives from cancer, and diminishing suffering from cancer through research, education, and community service.

Among the Society's priorities for the year 2000 is cancer prevention, including promotion of better nutrition in order to reduce cancer risk. Diet is one cancer risk factor over which we have substantial control. As we learn more about the relationship between nutrition and cancer, we improve our ability to prevent up to one-third of cancers which we estimate to be diet-related.

The most effective way to prevent cancer and other chronic diseases is to start by teaching children at a young age how to avoid risky behaviors that will lead to disease and poor health in later years. Behaviors such as tobacco use and poor eating habits are responsible for the majority of preventable cancers, but the best way to reduce these behaviors is to teach children to avoid them before the behaviors become habit. Such childhood education can be accomplished in two ways: Through instruction and through example. The American Cancer Society has worked to integrate these two approaches through promotion of comprehensive school health education as a core priority for our organization.

In the area of child nutrition, the American Cancer Society, in conjunction with the National Cancer Institute, developed our changing the course program for nutrition. This program includes both a nutrition education curriculum for schools to use as part of a comprehensive school health education program, and a manual for school food service providers.

A recent evaluation of changing the course found that by using the program school food service providers were able to lower the fat content of school meals without adversely affecting the overall nutritional quality of meals, food acceptability, student participation in the school lunch program, or overall meal costs. This example shows that modification of the Federal school meal programs to improve their quality is achievable, and that resources are available in the community to assist in achieving this goal.

The American Cancer Society supports the goal of the USDA to bring nutrition standards for school meals into compliance with the 1990 dietary guidelines for Americans. The purpose of the national school lunch program and the school breakfast program is to improve the health of children by ensuring that they have food at school. But this purpose cannot be fully met if meals contain a poor nutritional balance that could lead to poor health and diet-related diseases. By providing meals that meet the dietary guidelines for Americans, the U.S. Government will safeguard the nutritional integrity of these meals and remain consistent with its own objective.

Evidence from numerous experimental and human population studies suggest that up to one-third of deaths from cancer in the United States, including the most common sites such as breast, colon and prostate, may be attributed to dietary practices. For this reason, the American Cancer Society has developed dietary guidelines for cancer risk reduction. These guidelines include: Maintaining a desirable body weight; eating a varied diet, including a variety of both vegetables and fruits in the daily diet; eating more high fiber foods, such as whole grain cereals, legumes, vegetables, and fruits; cutting down on total fat intake; limiting consumption of alcoholic beverages; and limiting consumption of salt-cured, smoked, and nitrite-preserved foods.

As more is learned about the relationship between diet and health, it is reasonable to expect that Federal nutrition guidelines will be updated. The American Cancer Society hopes that the USDA school meals initiative will be flexible enough so that the program can be updated to remain consistent with revised dietary guidelines as they are updated.

The American Cancer Society believes strongly that children need a comprehensive health education program in school which provides instruction on how to lead healthier lives and reduce disease risk. But this instruction must also be reinforced by example to make the most impact on children's behavior. This educational message of nutrition taught in the classroom should be consistent with healthy meals served at school and at home. The cafeteria can be a relatively low cost/low tech laboratory of learning.

The American Cancer Society strongly supports the implementation of comprehensive school health programs in schools throughout the country. We urge coordination between the Departments of Agriculture, Education, and Health and Human Services as well as the U.S. Congress, to ensure that American children are educated, by instruction and by example, to provide them with the ability to maintain healthy lifestyles including making good dietary choices.

School is a place for learning, whether the education takes place in the classroom, on the playground, or in the cafeteria. In order for a school health program to be comprehensive, all aspects of the school experience must be consistent if the children are to benefit fully. Therefore, nutrition instruction in the classroom should be linked with the food served in the cafeteria. The American Cancer Society is pleased to have had the opportunity to demonstrate this in a national program.

The American Cancer Society strongly supports USDA's plan to launch a nutrition education initiative as part of the school meals initiative for healthy children. Recognizing the value of partnership and collaboration, we hope the resources of our volunteers across the country can assist schools in implementing this coordinated and comprehensive nutrition program for school children.

The American Cancer Society strongly urges implementation as soon as possible. Some schools may be able to achieve compliance with the USDA's rules earlier than the 1998 implementation date. They should be encouraged to do so. Other schools that need the time to implement should be supported.

Moving on to my conclusion, we feel this initiative is very timely, coming during the course of national debates on education reform and health care reform. By pushing for changes for good health practices, schools can become the springboard for lifelong behavior patterns which will improve the lot of children and ultimately society as a whole.

The American Cancer Society applauds the USDA's efforts in preparing the school meals initiative for healthy children. The initiative provides a thorough proposal for improving the health and well-being of schoolchildren by not only improving the quality of the meals they receive but also coordinating these meals with nutrition education provided to children in the context of comprehensive school health programs. But USDA cannot do this alone. The American Cancer Society strongly supports this effort and pledges its assistance in helping schools to implement the initiative.

Thank you.

[The prepared statement of Ms. Berger appears at the conclusion of the hearing.]

Mr. STENHOLM. Thank you, and I appreciate your attempt to stay within the 5-minute rule. In spite of the fact that I did not announce it earlier, I appreciate each of you doing that, and I want to come back to a question on the Roman numeral VIII fortification you were talking about, to ask you a question in a moment.

Next witness, Dr. Frances Cronin, Society for Nutrition Education.

Dr. Cronin.

STATEMENT OF FRANCES CRONIN ON BEHALF OF THE SOCIETY FOR NUTRITION EDUCATION

Ms. CRONIN. Thank you, Mr. Chairman, members of the committee and guests. I am Dr. Frances Cronin and I am here representing the Society for Nutrition Education.

SNE is the leading national professional association linking nutrition, food, and education. We appreciate the opportunity to comment on USDA's proposed regulations on nutrition objectives for school meals. I am going to be very brief. We have submitted extensive written testimony to the committee already.

Mr. STENHOLM. Without objection, each of your written testimonies will be made a part of the entire record and will be forwarded to USDA for purposes of consideration under the rulemaking procedure.

Ms. CRONIN. Thank you.

SNE supports USDA's efforts to revise the school meal regulations. We support the program's emphasis on nutrition and on nutrition education. We support the Department's attempt to incorporate the 1990 dietary guidelines in the school meals program. We support the flexibility it gives schools to adapt to regional and cultural food habits, and we support the Department's launching of a nutrition education initiative. These are strengths and represent a foundation on which to build. However, SNE is concerned about some details in the proposed regulation.

SNE believes that an effective school meals program should not only provide healthy meals but also compliment the nutrition education programs in the classroom. A stated purpose of the program is to incorporate the dietary guidelines. However, only the reduction of fat and saturated fat is explicitly incorporated into the proposed school meals regulation. SNE believes that school meals should be examples that incorporate all of the dietary guidelines.

In theory, the proposed criteria for nutrient standard menu planning provides a basis for healthy meals that include a variety of foods. However, it would be possible to meet the proposed new criteria with few or no servings of fruits and vegetables and no whole grains. This is of great concern to SNE.

The changes needed to carry out the nutrient standard menu planning will require well-conceived and adequately funded training programs in every State. SNE doubts the proposed funding is adequate to meet the training needs.

SNE is also very concerned that current nutrition education and training, or NET, funds may be diverted for this purpose.

Finally, SNE is concerned about the possible overuse of fortified foods. The program regulations mandate only a few of the many nutrients children need. If fortified foods are the major sources of mandated nutrients, these foods may not provide all the other essential nutrients required for health and growth.

Because of our concerns, SNE offers the following recommendations: First, SNE does not believe that the program is ready for nationwide use. USDA has begun a nutrient standard menu planning demonstration project in 34 school food authorities throughout the country. We recommend that the mandated nationwide implementation be delayed until the results of the demonstration projects have been evaluated.

Second, to encourage schools to begin incorporating the dietary guidelines into school meals, SNE urges USDA to develop a modified menu pattern. The pattern should encourage the inclusion of fruits, vegetables, and more whole grains in school meals.

Third, SNE urges USDA to actively pursue partnerships with public and private sectors to develop nutrition strategies. We also urge the development of closer linkages between nutrition education in the classroom and the meals in the school cafeteria.

Finally, we would like to reemphasize our support for the objectives of the program. SNE would welcome the opportunity to work with USDA to develop and carry out nutrition education strategies and assist in carrying out the healthy meals initiative.

We appreciate the opportunity to address you today and I would welcome any questions you may have about our testimony. Thank you.

[The prepared statement of Ms. Cronin appears at the conclusion of the hearing.]

Mr. STENHOLM. Thank you. Next, Dr. Stanley Zlotkin, chairman of the nutrition committee, the Canadian Paediatric Society of Toronto, Canada. Welcome.

STATEMENT OF STANLEY H. ZLOTKIN, M.D., CHAIRMAN, NUTRITION COMMITTEE, CANADIAN PAEDIATRIC SOCIETY

Dr. ZLOTKIN. Thank you, Mr. Chairman and Mr. Roberts. Just to give you background, I am a paediatrician and a Ph.D. nutritionist, and as you just said, chairman of the nutrition committee of the Canadian Paediatric Society. Before commenting specifically on the USDA proposed rule for the national school lunch and school breakfast program, I would like to briefly provide a background and summary of the recent deliberations of the joint working group of the Canadian Paediatric Society and Health Canada on Dietary Fat and Children.

The committee reiterated the link between elevated blood lipids, especially LDL and VLDL, and low HDL levels, and cardiovascular disease in adulthood. From a public health perspective, it acknowledged that it is reasonable to attempt to modify these risk factors in adults. In children, however, the picture was not as clear. There were a number of unanswered questions, like: Is fat intake a risk factor in childhood for the development of elevated blood lipids later in life? Do elevated lipid levels track from childhood to adulthood? Assuming that fat intake is a risk factor and that it tracks over time, can it be safely modified?

The Canadian Joint Working Group examined issues surrounding dietary fat recommendations for children from the perspective of both efficacy and safety. We questioned whether intervention in childhood was likely to be effective in changing adult cardiovascular disease morbidity and mortality, and we attempted to determine the balance or trade off between safety and efficacy.

With regard to efficacy, we acknowledged the relationship between dietary saturated fat intake and blood cholesterol levels and the relationship between raised serum cholesterol and cardiovascular disease. Evidence comes largely from studies carried out in adult males with hyperlipidemia. Although atherosclerosis appears to start in childhood or adolescence, extrapolation to children and adolescents of conclusions based on studies in adults is certainly controversial. But the few studies of dietary interventions to lower serum cholesterol levels in children were of short duration and yielded reductions in serum cholesterol of 5 percent or less.

There were no data to demonstrate that these reductions persisted into adulthood. And, more importantly, there were no controlled studies demonstrating the efficacy of a low fat diet in childhood in reducing adult cardiovascular disease, and it is unlikely such a study will ever take place.

It has been argued that the general principle of early initiation of a reduced fat and saturated fat diet is appropriate for children. Implicit in initiating these specific dietary guidelines during childhood is the overall goal of establishing nutritional patterns in childhood that, when maintained to adulthood, will lower blood cholesterol levels of the adult population as a whole. There is, once again, however, no evidence that changing children's current intakes to diets providing 30 percent of energy from fat and 10 percent from saturated fat would indeed achieve this goal.

Although it is a natural assumption that good food habits started in childhood will promote good food habits during adulthood, the means by which children acquire their food preferences is complex and there is little evidence that children's food preferences remain stable over time.

The committee examined safety from a number of perspectives. One of our concerns was misapplication of a dietary message to restrict fat intake in children. We were concerned that some individuals may be overzealous in their belief that if some reduction in fat is good, then a larger reduction is even better. Delayed growth and delayed puberty have been reported as consequences of misapplication of dietary advice.

The committee noted the alarmingly high rates of anorexia nervosa among North American adolescents. Preoccupation with body image and societal preference for thinness, again, especially in females, can result in restrictive eating patterns and inadequate energy and nutrient intakes. The committee concluded that further emphasis on restricting a specific nutrient intake during childhood, i.e., restricting fat intake, may subtly reinforce this predilection for restricted intake, making the problem of anorexia even worse.

Finally, there is a real potential for habitual low fat intakes to result in inappropriate food patterns that compromise nutritional food adequacy. The committee recognized the high needs for energy and nutrients and the wide variability of these needs in individual children to support the normal rapid growth of children and adolescents. Particular attention must be paid to the diets of children who are consuming reduced fat diets to assure adequate intakes of energy and essential nutrients.

When children are put on lower fat diets, it is recommended that the deficit in energy resulting from the lower fat diet intake be made up by an increased intake of cereal products, breads, fruits, and vegetables. However, the children will often find this high increased demand for high carbohydrate containing foods impossible to achieve. The results may be decreased energy intake, resulting in delayed growth, or children not meeting their genetic potential for growth, and inadequate nutrient intake, specifically iron, calcium, other minerals, riboflavin, and vitamin A. Dietary inadequacies have been reported in the literature even when dietary changes were supervised and even when subjects had above average nutritional knowledge. The committee felt that the provision of adequate energy and nutrients to ensure growth and development was the most important consideration in nutrition of children.

The two criteria considered essential in making our recommendations were efficacy and safety. The estimated benefits of a restricted fat intake were weighed against the anticipated risks. In view of the following considerations, that: There is no evidence that implementation of a diet providing 30 percent of energy as fat and 10 percent of energy as saturated fat in children would reduce illness in later life or provide benefit for children as children; that there is the potential for inadequate energy and specific nutrient intake on the lower fat diet; and that there is potential for emphasizing an already significant preoccupation with food restriction in adolescent females.

We concluded, in part that: One, providing adequate energy and nutrients to ensure adequate growth and development is the most important consideration in nutrition of children and, two, during the preschool and childhood years, nutritious food choices should not be eliminated or restricted because of fat content. During early adolescence, an energy intake adequate to sustain growth should be emphasized, with a gradual lowering of fat intake. Once linear growth has stopped, fat intake as currently recommended is appropriate.

I would like to make a very brief comment on the USDA proposed rule for the national school lunch and school breakfast program. From the perspective of efficacy, I feel that there is no support from the current medical literature of studies on the topic that changes in total or saturated fat intake that may result from the breakfast or lunch programs will either improve the health of children in the program or improve the health of those individuals when they become adults. There is also a lack of documentation that changes in total or saturated fat from a single meal, whether it be breakfast or lunch, will influence total daily or, in fact, weekly total or saturated fat intake.

Finally, there is no documentation that changing the fat content of children's meals will influence their current or later food habits. Thus, from the perspective of efficacy, the proposed changes to the breakfast/lunch program may not achieve the stated goals of "disease prevention or long-term health promotion."

From the perspective of safety, it is unlikely that a change in the fat content of a single meal will adversely affect total energy or nutrient intake. Changes in habitual intake, however, will increase risk. For adolescent females who may already be at risk of anorexia nervosa and inappropriate food restriction, a further emphasis on restriction may increase the prevalence of this serious disorder.

I apologize for going over my time. Thank you for your attention.

[The prepared statement of Dr. Zloktin appears at the conclusion of the hearing.]

Mr. STENHOLM. Thank you. Next we will hear from Deborah Larkin, from the President's Council on Physical Fitness and Sports. Miss Larkin.

STATEMENT OF DEBORAH SLANER LARKIN, COUNCIL MEMBER, PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

Ms. LARKIN. Mr. Chairman, members of the committee, I am Deborah Slaner Larkin, a member of the President's Council on Physical Fitness and Sports. I previously served for 6 years as executive director of the Women's Sports Foundation, a nonprofit educational organization that provides educational information about the importance of sports for girls and promotes participatory opportunities for all females.

Thank you for the opportunity to testify today on behalf of the President's Council on Physical Fitness and Sports. It is an honor to appear before the subcommittee to discuss the relationship between physical fitness and nutrition for children.

The President's Council on Physical Fitness and Sports serves as a catalyst to promote, encourage, and motivate the development of physical fitness and sports participation for all Americans of all ages. It was established in 1956 by Executive order and is made up of 20 members appointed by the President.

It is a program office of the Department of Health and Human Services. It reports to the Office of the Surgeon General, and is assisted by elements of the U.S. Public Health Service. The President's Council provides guidance to the President and Secretary of Health and Human Services on ways to encourage more Americans to become physically active and, as a result, healthier.

As the only Federal agency solely devoted to sports and physical fitness, the President's Council is acutely interested in these hearings regarding proposed nutrition regulations. A child cannot develop a healthy, physically fit body through physical activity and exercise alone. Without the daily foundation of a balanced nutritious and healthy diet, the physically active body has nothing to build upon.

The importance of physical activity: Healthy People 2000—National Health Promotion and Disease Prevention Objectives states that evidence of the multiple health benefits of regular physical activity continues to mount. Regular physical activity can help to prevent and manage coronary heart disease, hypertension, noninsulin-dependent diabetes, mellitus, osteoporosis, obesity, and mental health problems. Regular physical activity has also been associated with lower rates of colon cancer and stroke and may be linked to reduced back injury. On average, physically active people outlive those who are inactive.

Physical activity produces hormones in the body, called endorphins, which lower stress and reduce the incidence of heart attacks. Because coronary heart disease is the leading cause of death and disability in the United States, the potential role of physical activity in preventing coronary heart disease is of particular importance. Physically inactive people are twice as likely to develop coronary heart disease as people who engage in regular physical activity.

As little as 2 hours of exercise a week may lower a teenage girl's life-long risk of breast cancer, a disease that will afflict one out of eight American women.

Children who play sports and participate in regular exercise have higher levels of self-esteem and lower levels of depression. Girls and young women who have lower levels of self-confidence and self-esteem are more likely to get pregnant.

Teenagers who play sports have lower dropout rates in school, try to commit suicide less often, get pregnant less often, and generally exhibit less delinquent behavior. In high school, Caucasian, African-American, and Hispanic athletes score as well or better on achievement tests than nonathletes.

The quantity and quality of school physical education programs have significant positive effects on the health-related fitness of children and youth. In addition, recent reports suggest that physical education programs in early childhood not only promote health and well-being but also contribute to academic achievement.

Sports is where we have traditionally learned about teamwork, goal setting, the pursuit of excellence in performance, and other achievement-oriented behaviors—critical skills necessary for success in the workplace. If a child does not participate in sports by the age of 10, there is only a 10 percent chance that he or she will participate when he/she is 25.

Eighty-seven percent of parents accept the idea that sports participation is important for their children. The primary reason why children participate in sports is because it is fun.

The current role of physical activity in the lives of our children: While most people know, and many of us espouse the benefits of exercise and physical activity, too many Americans of all ages still find reasons not to be physically active. Forty-three percent of Americans fall under the term "couch potato." Children in the United States are fatter, slower, and weaker than children in developed nations. Levels of obesity among children and adolescents have risen an average of about 45 percent between 1960 and the early 1980's. A general decline in physical activity was cited as one of the primary reasons.

Half of all children from kindergarten through 12th grade show at least one factor for health disease. This is important, because it is putting them at risk of developing diseases associated with a sedentary lifestyle.

And with regard to the relationship of nutrition, I am not a nutritionist by profession. My knowledge is based on research relating to female athletes and how the combination of nutrition and physical activity is beneficial. However, I was taught from a very young age how important good nutrition and physical activity are in developing and maintaining sound minds and bodies. Yet, what I was taught and the messages people receive are not always consistent. The message that the ideal woman should be thin is contrary to common sense and good health. Being as thin as one thinks he or she could be can severely damage one's physical and mental health.

The female athlete triad: "Disordered eating, amenorrhea and osteoporosis" is a term to describe three interrelated problems that can cause life-long health problems in female athletes. Treatment often requires a team of health-care providers, including a physician, psychologist, and a nutritionist.

Sixty-two percent of female athletes participating in certain sports may suffer some kind of disorder in eating which can range from the use of laxatives and diuretics to life-threatening anorexia nervosa or bulimia. A female athlete is more likely to seek medical help if risks from inadequate calcium, poor nutrition, and amenorrhea are explained in a nonjudgmental manner. Binging or purging is not the problem. What causes the problem is if the young person is dissatisfied with her body image. Sixty percent of those afflicted with eating disorders will recover from the disease, and the younger the child with the problem, the better the recovery.

Amenorrhea or irregular menstrual cycles are associated with low reproduction hormone levels and, if left alone, combined with poor nutrition, can lead to inadequate bone structure. Scientists have seen amenorrheic 20 year olds with osteoporotic bones similar to those found in their 70-year-old grandmothers. The bones may predispose women to spine, wrist, and hip fractures later in life.

High school principals place physical fitness last on their 10 goals for education, yet their second goal is developing good self-image. Athletes, especially female athletes, have a more positive body image than do female nonathletes.

Healthy People 2000 Objectives want to increase to at least 50 percent the proportion of overweight people aged 12 and older who have adopted sound dietary practices combined with regular physical activity to attain an appropriate body weight. The results of weight loss programs focused on dietary restrictions alone have not been encouraging. Physical activity burns calories, increases the proportion of lean to body fat body mass, and raises the metabolic rate. Therefore, a combination of both caloric control and increased physical activity is important for attaining a healthy body. Thank you very much.

[The prepared statement of Ms. Larkin appears at the conclusion of the hearing.]

Mr. STENHOLM. Thank you. Next, Judi Adams, president of the Wheat Foods Council.

STATEMENT OF JUDI ADAMS, PRESIDENT, WHEAT FOODS COUNCIL

Ms. ADAMS. Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify on the U.S. Department of Agriculture's proposed rule to modernize nutrition objectives for school meals.

I am Judi Adams, a registered dietician and president of the Wheat Foods Council. The Wheat Foods Council is a nonprofit nutrition education organization supported by farmer-funded wheat checkoff commissions, milling and baking companies, as well as a number of pasta, cereal, and cracker manufacturers.

The council's charter is to teach Americans improved nutrition through increased consumption of grains. Our efforts focus on encouraging people to follow the U.S. dietary guidelines and the food guide pyramid.

Like you, we are committed to healthier Americans. We applaud USDA's work to improve the nutritional quality of the breakfast and lunches served in the national school meal program. With the right ingredients, by offering tasty, affordable, and nutritionally balanced meals at school, it can serve as a model to help improve the eating habits and, ultimately, the health of all Americans.

We are pleased by the proposed rule's emphasis on the scientifically based U.S. dietary guidelines published nearly 4 years ago. By implementing the dietary guidelines, we can assure that school meals provide our children with a variety of foods lower in cholesterol and fat and with plenty of fruits, vegetables and grains.

Clearly, it is time for the school meal program to be updated. We are not yet convinced, however, that a drastic change to the untested nutrient standards approach is necessary. In our view, the approach warrants further study before widespread implementation.

While nutrient standards calculated by a computer may provide meals with exacting nutrition, they risk achieving menu variety and balance. By focusing on nutrients instead of foods, the proposal will not teach children how to plan their own meals using the variety of foods approach of the food guide pyramid. While we feast on statistics, people may be left starving for practical nutrition information.

To address this concern, we believe it would be better for USDA to immediately update the existing school meal patterns in accordance with the U.S. dietary guidelines of 1990 and incorporate these changes into the proposed rule. While meal patterns have long been the practical template for balancing school meals, the program is still operating with meal patterns that reflect old nutrition information.

Updating meal patterns will do two things. First, they will provide immediate guidance and direction to the thousands of food service officials who want to make changes now. Second, updated meal patterns would provide time to complete and evaluate the pilot studies contained in the proposal to see if the nutrient standards menu plan approach is a practical and effective means of improving the nutritional quality of school meals.

In short, we don't know if the nutrient standard approach will work: Will it provide sufficient guidance and flexibility to school food service directors, and will it produce meals that kids want to eat? The pilot studies should answer those questions. In the meantime, we think it would be wise to improve the program immediately through updated meal patterns.

If a nutrient standards menu plan is deemed the best way to optimize the nutritional content of school meals, we need to pay very careful attention to the specific nutrient goals established in such an approach. We are concerned that USDA's proposed standards provide quantifiable targets for only five select nutrients: Protein, calcium, iron, vitamin A, and vitamin C. The proposal ignores critically important nutrients, like complex carbohydrates, fiber, and B vitamins. Goals for these nutrients are necessary to help assure that future school meals follow U.S. dietary guidelines. USDA's own study of the impact of nutrient standards included a requirement that not less than 50 percent of calories come from carbohydrates, yet there is no such standard in the proposed rule.

Absent such a carbohydrate requirement in the proposed rule, there are risks in replacing the traditional meal pattern approach with an exclusive nutrient standards approach. Because of the total caloric emphasis on protein and fat, there is no guarantee that school children will receive meals that contain adequate levels of carbohydrates and fiber. A super-fortified high protein food bar, for example, could replace traditional foods in achieving nutrient goals.

In summary, Mr. Chairman, let's first update the meal patterns. If that doesn't optimize school meals, then let's introduce nutrient standards, including targets for fiber, carbohydrates, and B vitamins.

Again, we commend the USDA and Assistant Secretary Ellen Haas for proposing changes in the national school lunch and school breakfast programs. We believe this is an important effort to improve the nutritional quality and health of America's children. We look forward to working with the Department on our concerns.

Mr. Chairman, that concludes my remarks. Thank you.

[The prepared statement of Ms. Adams appears at the conclusion of the hearing.]

Mr. STENHOLM. Thank you. Next, we will hear from Mr. Tom Stenzel, president of the United Fresh Fruit and Vegetable Association.

STATEMENT OF TOM STENZEL, PRESIDENT, UNITED FRESH FRUIT AND VEGETABLE ASSOCIATION

Mr. STENZEL. Thank you Mr. Chairman. In the interest of time, let me be brief at this hour.

Certainly all of us in the room share the goals. We are part of that 94 percent that Assistant Secretary Haas said do share the goals for improving our school lunch programs. At the same time, we share many of the concerns that you have already heard addressed in terms of the specifics; the devil is in the details. While we do support very strongly the concept philosophically, the nutrient standard menu planning approach as a measurement tool, we think, is helpful. But it can't be the entire measurement tool in judging the standard of school lunches. In fact, it probably is not terribly helpful as a menu planning tool, either.

We appreciate the flexibility that would be offered by the nutrient standard approach, but as Ms Adams just mentioned, the high-protein power bar would qualify for a nutrient standard approach and leave out many of the traditional foods that are guaranteed in the school lunch program through the current menu-based planning system. If it is possible, I would like to endorse the comments of the Society for Nutrition Education, Dr. Cronin's comments, as an independent health and nutrition organization. I have had a chance to read their comments here. I think they have said everything possible that any of us in the commodities world could say and perhaps from a less self-serving standpoint, so I appreciate that.

A couple key issues. First, on the topic of fortified foods. We believe the Department must prepare a detailed policy to prevent schools from overrelying on these food products. The proposal does not distinguish between naturally occurring nutrients and those that are added through fortification. The Department does indicate a commitment to the principle that a variety of conventional foods should constitute the primary vehicle for nutrients. However, in the absence of a clear policy on fortification, the hope that schools will rely upon conventional foods for the delivery of essential nutrients is not at all assured. Simply stated, the extent of fortified foods in the school lunch program is left unregulated by the current proposal.

I think as most of us know, scientifically, there are many studies that raise questions as to the benefits of fortification in terms of providing adequate nutrients in the food supply as compared with consuming whole fruits and vegetables or other foods to reduce the risk of long-term disease. Scientific efforts to isolate the health benefits of specific nutrients is wrought with conflicting results, making it apparent that no single ingredient of nutrients in foods, such as vitamins or antioxidants, can by themselves be the cure-all for prevention of cancer or other long-term diseases.

Reliance upon fortified foods to deliver good health would be a serious mistake. I might point out that this discriminatory treatment of fortified foods would still represent sound policy for the Department. A similar policy was incorporated by the FDA into our Nation's food labeling regulations. Under FDA regulations, a fortified food is prohibited from bearing any health claims unless it provides at least 10 percent the referenced daily intake or the daily reference value for vitamin A, vitamin C, iron, calcium, or protein prior to its fortification.

Another point I would like to stress is certainly our goal here is to increase the use of the dietary guidelines as a standard for the school lunch program. However, it does seem as though the Department has missed several of the guidelines.

I note that Congressman Roberts had the brochure with all of the guidelines, and we call our attention to the one, be sure to eat plenty of fruits, vegetables, and grains. Somehow we missed that one in developing the nutrient standard process for evaluating school meals. We have defined a way—and I encourage the department as they sift through the 6,000 comments to find a way to ensure accountability for meeting that very essential dietary guideline—eating plenty of fruits, vegetables, and grain products.

I would like to conclude with one comment on something that Assistant Secretary Haas mentioned; the baked potato versus french fry example. I think she is absolutely right. We have to find a way in evaluating our school lunch program to make a difference, to understand nutritionally how that potato is prepared and what impact it has. But at the same time, Mr. Chairman, we have to make sure that we ensure that potato is part of the School Lunch Program. The same way that we have to ensure that other fruits and vegetables are part and we are not simply consuming fortified foods.

In conclusion, we support the goals of the Department, but I think very clearly, there are some improvements that need to be made in the regulatory process, and thank you for your support and holding this hearing.

[The prepared statement of Mr. Stenzel appears at the conclusion of the hearing.]

Mr. STENHOLM. Thank you. Next, Mrs. Sheri Spader, chairperson, food policy committee, National Cattlemen's Association. Mrs. Spader.

STATEMENT OF SHERI SPADER, CHAIRPERSON, FOOD POLICY COMMITTEE, NATIONAL CATTLEMEN'S ASSOCIATION

Mrs. SPADER. Good afternoon. Thank you, Mr. Chairman and members of the subcommittee, for the opportunity to speak to you today. My name is Sheri Spader, as you said, and I am from the northwest corner of Missouri where we raise cattle and kids. I am a mother of three, a former teacher, and a volunteer for the National Cattlemen's Association.

Cattle producers have long been committed to providing good nutrition for the Nation's children who are our children. Since the onset of the national school lunch program, beef has provided much of the needed protein, iron, zinc, and B vitamins for children, many of whom were not getting adequate nutrients otherwise. Deficiencies in these nutrients may result in impaired work and intellectual performance, behavioral disorders, and decreased resistance to disease.

When health officials recommended decreasing fat in the diet, the cattle industry responded. Cattle producers have worked, and are continuing to work, to lower fat in today's beef. In the last decade, beef producers, in conjunction with packers and retailers, have reduced the overall fat in the retail case by 27 percent. Through the industry checkoff program, the beef industry has funded research to develop and test market a ground beef patty with only 10 percent fat. Low fat beef patties now make up a large portion of beef patties purchased by the national school lunch program.

With such progress being made, Mr. Chairman, we are greatly concerned that there remains the idea that if red meat is reduced or eliminated in the school lunch program, the fat content will be sufficiently reduced to meet the dietary guidelines. Beef or red meat is not the No. 1 contributor of fat to the diet. USDA's 1987–1988 nationwide food consumption survey, data shows that beef contributes only about 9 percent of total fat in children's diets age 1 through 10 and about 12 percent of the total fat in the diets of 11 to 18 year olds. Therefore, approximately 90 percent of the fat in the diets of the Nation's children is coming from sources other than beef or red meat.

Note that while fat from beef intake has gone down over the years, total fat intake has gone up. To overcome this myth, NCA supports educational programs for school service personnel, parents, and children providing this information. We believe that producer groups and USDA can work together to educate these parties that giving up or reducing an entire food group does not equal a sufficiently low-fat, healthy, well-balanced diet. USDA's food guide pyramid teaches that lean beef fits well into a healthy well-balanced diet. NCA supports such nutrition education that is based on sound science.

The beef industry has been a leader in developing a program that meets the dietary guidelines and educates all involved toward healthier eating. As one of the most promising and effective programs to reduce fat and sodium in school lunch programs, the lunchpower program was developed by the University of Minnesota in conjunction with the Beef Industry Council. Lunchpower was implemented in 34 elementary schools in Minnesota and is now being used in that many States.

In addition to menu planning and good purchasing to reduce the fat and sodium content, familiar recipes were modified to produce lower fat and sodium items that were highly acceptable to students. For example, the cooks drain and rinse ground beef used in tacos, resulting in a popular entre item that is nine grams lower in fat, on average, than the unmodified product.

Evaluation results of the program have shown that there is significant decreases in both total grams of fat and the percentage of energy from fat. When comparing baseline and follow-up data, the percentage of energy from fat in the diet decreased from 40 percent to 28 percent. Furthermore, these lower sodium and lower fat meals were convenient for the schools and student participation in the lunch programs was maintained.

Lunchpower is a food-based program, rather than nutrient-based. Criteria have been set for purchasing and preparation to meet the dietary guidelines and the RDA's. NCA supports such a food-based system. This program has been shown to work and been proven effective. There are virtually no added costs. Food service personnel like it. Children like the food, and it allows for a variety of foods, as is recommended by the dietary guidelines.

In summary, the National Cattlemen's Association supports nutrition recommendations based on sound scientific principles with accurate interpretation and communication with the public. To focus narrowly on fat in the diets of children rather than an overall healthy diet can lead to less than desirable outcomes, such as the increased incidence of eating disorders and osteoporosis, lethargy, and developmental disorders.

Careful monitoring systems with scientific, valid measurement tools must be put into place to track and measure the effects of such changes on the diets of children. We cannot lose sight of the original goal of the national school lunch program, which is to prevent nutritional deficiencies in America's children. Nutritious meals are vital to a child's learning, intellectual performance, and overall growth.

The National Cattlemen's Association looks forward to working with the committee and the Department as recommendations for changing the national school lunch program are finalized. I welcome any questions.

[The prepared statement of Mrs. Spader appears at the conclusion of the hearing.]

Mr. STENHOLM. Next Mr. Jim Barr, chief executive officer, National Milk Producers Federation.

STATEMENT OF JAMES C. BARR, CHIEF EXECUTIVE OFFICER, NATIONAL MILK PRODUCERS FEDERATION

Mr. BARR. Thank you, Mr. Chairman, Mr. Roberts, and Mr. Gunderson. I am Jim Barr, chief executive officer of the National Milk Producers Federation, which is the national farm commodity organization representing this Nation's dairy farmers and their cooperatives that they own and operate.

The National Milk Producers Federation, too, supports the goals of the Department of Agriculture to provide nutrition objectives for school meals, but we too have some concerns.

The National Milk Producers Federation supports the current food-based menu system and opposes changing the current menu planning as currently proposed. Second, the federation is concerned about the impact of imposing the adult dietary guidelines to children without modification. The federation's third concern is the significant financial burden the regulations will place on the public school systems, the taxpayer, and the agricultural community.

The proposed nutrient standard menu planning is a costly, Government-controlled program. The proposed regulation seeks sweeping changes to the national school lunch program without support from the general public or private industry. The federation, along with other groups, strongly support the use of negotiated rulemaking in amending the national school lunch program to foster open dialog between the Department and all affected parties in improving rather than eliminating a program that has successfully fed millions of children for over 50 years.

The dietary guidelines, while laudable, are based on a study of adult males. The USDA proposes to apply them to children without taking age and development into consideration. For example, the dietary guidelines recommend that alcoholic beverages be served in moderation. No one would think of applying this guideline to the school lunch program. Common sense and prudence must be used in adopting adult guidelines for children until dietary guidelines for children are developed.

The federation advocates a restriction on the use of fortified foods. The federation urges the Department to adopt the California statutory language to restrict the use of fortified foods which do not supply the essential micronutrients found in conventional foods. The proposed regulations omit designation of serving sizes for food, a practice that has been effective in guaranteeing that children receive an adequate amount of food.

The federation proposes a change in the concept of "offer versus serve" to include foods from all food groups, especially fruits and vegetables in a reimbursable meal to solve the problem of inadequate consumption of fruits, vegetables, and milk. A reimbursable meal should include five of the five offerings, not three out of the five or two out of three of the offerings. Students cannot consume a balanced meal unless they are exposed to different foods on their plate.

The federation proposes that milk, especially flavored milk, be a component of every reimbursable meal. The federation estimates that the proposed changes in the school lunch program could reduce milk prices to dairy farmers by as much as 30 to 40 cents per hundredweight and decrease farm revenue by $450 to $600 million annually, which would drive thousands of dairy family farmers out of business.

Mr. Chairman, the sweeping changes of nutrient standard menu planning are impractical and unnecessary. The broad goals of the dietary guidelines can be met using the current program. One of the federation's members, the Associated Milk Producers, has developed two programs to help school food service menu planners reduce the fat content of meals while maintaining adequate calories for growing children. Trimming the fat is available nationally from the American School Food Service Association and was awarded the President's Circle Nutrition Education Award by the American Dietetic Association. The award is given in recognition of the development and dissemination of scientifically sound nutrition information which is unique and creative.

The newest program developed by AMPI is target your market, a comprehensive program for teaching food service staff how to market their program to attract students to the cafeteria and to balanced, nutritionally sound meals. And I have a copy of that I would like to submit to the subcommittee for information. Trimming the fat and target your market were field tested extensively with school food service personnel. The results are materials that are based on sound education principles and materials that are well received by the school food service.

Mr. Chairman, practical, effective, simple approaches to improving the Nation's school lunch program, such as target your market and trimming the fat, are examples of the programs the Department should be supporting, not cumbersome, costly, untested programs, such as the nutrient standard menu planning and assisted nutrient standard menu planning.

We thank you for this opportunity to testify.

[The prepared statement of Mr. Barr appears at the conclusion of the hearing.]

Mr. STENHOLM. Thank you. Next witness, Ms. Duggan, senior vice president, National Food Processors Association.

STATEMENT OF JUANITA DUGGAN, SENIOR VICE PRESIDENT, GOVERNMENT AFFAIRS, NATIONAL FOOD PROCESSORS ASSOCIATION

Ms. DUGGAN. Good afternoon, Mr. Chairman and Mr. Roberts. I am Juanita Duggan, for the National Food Processors Association. We are grateful to have the opportunity to testify at this hearing today on school lunch and breakfast programs.

And NFPA supports the efforts of USDA to incorporate the principles of the dietary guidelines into American meal planning and other food programs. We support the proposed evaluation of menus in school lunch and school breakfast on a weekly basis. This approach applies the principles of the dietary guidelines for Americans in an appropriate manner.

Most nutrition education programs emphasize that dietary status is best evaluated over a period of time. A weekly evaluation of school lunch or breakfast menus will allow school food service operators to offer a variety of menu items, exercise creativity in meal planning, and offer meals that students are more likely to select and, more importantly, consume. It applies USDA's unstated yet clear philosophy for school lunch and school breakfast menu development that virtually all foods can have a place in the school feeding programs.

We applaud FNS for recognizing that almost all foods are appropriate for inclusion in these feeding programs. We urge USDA to continue to avoid creating any kind of good food/bad food dichotomy in the school lunch or school breakfast programs.

NFPA members produce an enormous variety of processed foods that can continue to play a fundamental role in the programs. The diversity of products make it easy to include foods that are enjoyed by most students. These products are nutritious, convenient to store and use, available throughout the year, and low in cost. Most of our manufacturers have spent many years reformulating products into low-fat versions, low sodium versions, and they will be available only to help meet the 30 percent of calories from fat in the nutrient standards that are being adopted.

There are several technical issues in the proposed rule that I would like to address. NFPA supports in concept, the provision that nutrients in the school breakfast and school lunch program should be provided by the dietary guidelines. We also urge FNS to consider appropriately fortified foods do have a place in the feeding programs. We would recommend that any food that contributes over the course of a week, whether fortified or not, should be eligible for inclusion on a school feeding program menu. This would mean that fortified foods, such as enriched breads, vitamin A and D milk products, some juice beverages which may not contain 100 percent juice but are nonetheless equally good sources of vitamins and minerals through enrichment, and breakfast cereals would not be eliminated from school feeding programs.

We appreciate the FNS' concern about the over fortification of foods and we suggest that FNS can control potential overfortification by not extending credit for food guidelines that are currently established by the Food and Drug Administration's fortification policy. They could incorporate by reference the FDA's current fortification policy and take care of many of the concerns of overfortification without excluding some of the appropriately fortified foods from the program.

In addition, we have some concerns about the national nutrient data base for child nutrition. FNS has proposed support for the school lunch and breakfast program be provided through the national data base and by proposals which range from analytical and quality control requirements for data to the exclusion of nutrient data bases developed by third parties that would impose a significant barrier to full participation in the school feeding programs by many food processing companies.

Unless the current criteria are used, very few food companies are likely to undertake the expense in providing data to the data base. The food service operators would be limited in selection and menus. The students could face a situation that some of their favorite healthy foods would not be offered and the processed food industry, especially small businesses, would be effectively excluded from the program.

And NFPA recognizes the problems with this data base is outside the scope of the proposed rulemaking and we are participating in discussions with both FNS and ARS to attempt to resolve these difficulties. But we bring it to your attention because we do think it is an important aspect of your regulatory oversight of the Department's programs.

NFPA supports full implementations to the school lunch and school breakfast programs not later than July 1 of 1998. We believe it will take a significant period of time for this new approach to be tested by schools of all resource levels and for existing problems to be resolved, and for food service operators to feel comfortable with the planning system. They will need to be trained in the software.

Some will have to become familiar with the computerized menus for the first time in their careers. Too, slowly, it should be measured against the assurance that each year during the transition period, more and more schools are likely to complete the process of converting to the nutrient standard program. We will be happy to work with the Department to achieve these goals both in the present and the future.

We appreciate the efforts of this committee and would welcome any questions you may have.

[The prepared statement of Ms. Duggan appears at the conclusion of the hearing.]

Mr. STENHOLM. Thank you very much. Thank each of the panel members today for some excellent, very in-depth testimony. Mr. Roberts.

Mr. ROBERTS. I echo the chairman's comments. I think at the very least we should have provided you a high fortified, high calorie, high sugar supplement here to at least keep you through the hearing.

Dr. Zlotkin, let me sort of refresh my memory; 1990, the Canadian Minister of National Health and Welfare published the nutrition recommendation for Canadians. Very similar to the U.S., Department of Agriculture, the HHS publication dietary guidelines for healthy Americans. Both reports conclude that healthy people over 2 years should have a diet comprised of no more than 30 percent of calories from fat.

Now, last year you went back, according to your testimony, and you reexamined the issues related to dietary fat in children and concluded that during childhood the emphasis should be placed on diets that provide adequate energy or calories and eating patterns which emphasize a variety and include lower fat foods. The report found that meeting children's energy requirement is a priority. More flexibility needed for children in regard to their fat intake. I may be making an assumption here that is not accurate out of prejudice, but is it correct to conclude that a growing child's diet should not be restricted by a specific fat content requirement?

Dr. ZLOTKIN. That is the intent of the 1992, the document published in 1993 which revisited the issue of whether or not children should be treated as small adults, yes.

Mr. ROBERTS. Would you agree there should be a transition, I emphasize the word "transition," from the age of 2 until the end of a child's growing period to a diet consisting of no more than 30 percent of calories from fat?

Dr. ZLOTKIN. In general principle, yes.

Mr. ROBERTS. Have you visited with Secretary Haas about this? Have you had a Haas-Zlotkin debate that you perhaps could have had if you had been on the same panel?

Dr. ZLOTKIN. I have not. I realized when I was listening to Secretary Haas that what I had to say was perhaps appropriate but the timing may be inappropriate.

Mr. ROBERTS. I thought the timing was very appropriate. I have here your conclusions. Other than the fact that the proposal as recommended by Secretary Haas, you stated there is no evidence that implementing—or the implementation of a diet providing 30 percent of energy as fat, 10 percent of energy as saturated would reduce illness. So it wouldn't accomplish the goals. That is not all the goals. I am being a little harsh here and it might be counterproductive and it might cost more.

Why, is it a very supportive conclusion? Where do you think we are headed in this? I mean, we have raised the cost issue and we have a situation here where you are talking about the importance for children of acquiring a good habit, recognized as the need to establish the eating pattern for the whole family. They didn't make that point very well. Breakfast, lunch, and dinner, or supper, as we say in Kansas and that is the total intake, not to mention what Ms. Larkin is all about in terms of exercising in effect what grandmother told us back in the 1940's, those dreadful old days as we have heard referred to by Secretary Haas in terms of common sense, et cetera, et cetera. Where are we with this? Do you think it is going to work or not?

Dr. ZLOTKIN. Well, with all due respect to Secretary Haas, I don't think it is going to work, and I think the question that Congressman Gunderson asked was in fact a key question. Is there any documentation that if you can change the current fat intake, which in Canada is about 35, 36 percent, and I think it is about the same in the United States, down to what they achieved in California, which I think on one of their test programs was maybe 32, 33 percent, whether that is going to make any difference.

I can say as far as I know, there is absolutely no documentation that a change in total fat intake of 2 or 3 percent in children is either going to affect the child when they are a child; there is absolutely no documentation that I know of that it is going to have any effect on the risk of that child once they become an adult of developing cardiovascular heart disease. The data is simply not there.

Mr. ROBERTS. Ms. Dugan, how often do new processed foods come on the U.S. market? You know where I am headed, because I am concerned about the complexity of the rule and the lack of the flexibility in selecting new food products. How often do new processed foods come on the U.S. market? You were referring to that.

Ms. DUGGAN. Newly reformulated products?

Mr. ROBERTS. Yes.

Ms. DUGGAN. Every day. I mean, companies are reformulating products all the time to achieve new nutritional profiles. Some of this has been largely driven by consumer desire to lower the fat intake over time and has been very much driven by the Nutrition Labeling and Education Act, which was established by FDA or established by Congress and implemented by FDA and just became effective in August of this year.

So our companies were scrambling to reformulate products to be able to take advantage of the descriptor definitions that were established there, strict definitions for reduced fat, low fat, and low sodium. And many other descriptors. All of them are defined by FDA now and our companies spent 4 years reformulating products to be able to bear those descriptors and they are on the marketplace and they are coming out every day. It would be impossible for me to tell you. There are 250 billion labels out there that were just overhauled under the NLEA.

Mr. ROBERTS. Well, if local school districts are going to be required to assess the nutrient value of all foods used in schools and the new products, how are they going to do this?

Ms. DUGGAN. National Food Processors Association products will be labeled. That will assist them in that effort. It could be quite complicated, it seems.

Mr. ROBERTS. Mrs. Spader, I want to thank you for your testimony. In the beef industry over the last 10 years, we have made a lot of progress in reducing the fat content. I understand prior to the current administration that we were "nutritionally neglectful," whatever that term is, and that now have started off a new era in America where we have a right to life and liberty and the pursuit of a fat-free diet. But I want to thank you for making the comment and really stressing that the beef industry is providing a much better product and is on the crest of the wave with what Americans want and the base being testimony that we have heard today. I don't know if that calls for an answer for you or not, but I did want to make that point and I thank you for your testimony.

Mrs. SPADER. Thank you.

Mr. ROBERTS. I yield back.

Mr. STENHOLM. Mr. Gunderson.

Mr. GUNDERSON. Thank you, Mr. Chairman. I sit here and I wonder what will Pat Roberts be like in 20 years. But I was going to say Jim Barr, you heard the discussion between Dr. Zlotkin and Pat Roberts which proves there is hope for Pat Roberts. I was proud of him. It took a lot of instruction and prodding but I knew this day would finally come. That is sort of an inside joke because he is not known as Mr. Dairy on this committee.

I want to ask two questions of all of you and these are very brief questions. Is there anybody on the panel who believes the proposed regulations should be promulgated as presently written without change?

How many of you on the panel would support Congress insisting on negotiated rulemaking, as I explained earlier and as is included in the Elementary Secondary Education Act in the House, as the next step, a process by which they have to meet with all of the interested parents, yourselves included, and try to work out consensus regulations. How many of you would support that as the next step?

Mr. BARR. We would strongly support it, Mr. Gunderson.

Mr. GUNDERSON. Anybody oppose that?

Ms. CRONIN. Congressman, I represent the Society for Nutrition Education, an association of 2,500 members. We also have a negotiated process for developing our positions. We have no position on negotiated rulemaking.

Mr. GUNDERSON. That is fair.

Mr. STENZEL. Mr. Gunderson.

Mr. GUNDERSON. Yes.

Mr. STENZEL. We are not certain at this point that that would be a necessary step. We feel the Department has asked for and received a tremendous amount of input in the rulemaking process and it remains to be seen exactly how seriously they take all of these concerns. We will hope for the best and try to stay on the ledge a little bit on that question.

Mr. GUNDERSON. What if they don't? I mean, you heard her comments about extending the comment period. You are more of an optimist than I am. All right. I just wanted to get your analysis on those two questions.

Thank you, Mr. Chairman.

Mr. STENHOLM. I thank each of the panel members for your testimony today. We look forward to working with you and your groups very closely and working with the Department and achieving the agreed upon goal. Everyone here has stated an agreement with the goal but we have some different views as to how they might be accomplished and we appreciate that very much. We call the last panel.

Our next witness is Vivian Pilant, president of the American School Food Service Association.

STATEMENT OF VIVIAN PILANT, PRESIDENT, AMERICAN SCHOOL FOOD SERVICE ASSOCIATION, AND DIRECTOR, FOOD SERVICES, STATE OF SOUTH CAROLINA

Ms. PILANT. Thank you. I really appreciate you asking us to testify today. I also would like to say I am the State director for the school nutrition programs in South Carolina. We have submitted our comments to you. We would like for you to please submit those as part of our hearing record and allow me to summarize as follows.

The American School Food Service Association strongly supports the goal of implementing the dietary guidelines throughout the Nation's school systems. The issue is not whether to implement the dietary guidelines, but whether, how to implement the dietary guidelines. Implementing the dietary guidelines in 93,000 schools that serve over 25 million lunches a day is a very complicated, technical subject. We believe it may be possible to implement the dietary guidelines faster than has been proposed by the Department if schools are given flexibility on how to accomplish that.

Indeed, we believe it may be possible to implement the dietary guidelines by 1996, 2 years earlier than has been proposed by the Department in a more cost-effective manner if nutrient standard menu planning is made an optional method, as opposed to an unfunded national mandate. We believe that nutrient standard menu planning to be an effective and important tool for school systems that have adequate personnel and resources, but as you know, Mr. Chairman, there is a great diversity throughout this country and not every school district has the same resources.

It is also important to point out that the Department's pilot program implementing nutrient standard menu planning in 34 school districts has been postponed officially from September to January of 1995. In short, these regulations seek to mandate in 93,000 schools a system that has not yet been piloted. The pilot is designed as a 3-year study with the results to be reported in the fourth year. We believe a food-based menu system must be available to schools as an optional method for implementing the dietary guidelines. It has a track record. School food service personnel understand the concept of planning menus around foods and that is how kids relate to selecting food.

According to USDA in 1992, 44 percent of the schools offered meals consistent with the dietary guidelines. That number would be higher today. We urge the Department to work with State and local school food service officials. We have a shared responsibility to the children of America to come up with a program that provides maximum local flexibility and the quickest possible implementation of the dietary guidelines for Americans.

I would also at this point like to insert some comments. From a letter to our association from a local school food service director, Kathleen Corrigan from the Mount Diablo district in California. They were the lead district in the original California network which has been using nutrient standard menu planning for 3 years under a USDA meal pattern waiver.

And I quote,

> California's method of nutrient standard menu planning is different from that proposed by USDA. California does a simple average of entres only. If several entre choices are offered, the three most popular are averaged together.
>
> The USDA proposal used weighted averages for all foods offered which will dictate the choices we offer to students and regulating food choices does not create customer demand. Nutrient standard menu planning, the California method, is appropriate and can work at the elementary level. However, there is nothing to indicate it will work for secondary schools.
>
> Per the Federal Register: To provide variety and to encourage consumption and participations, schools should offer a selection of menu items, foods and types of milk from which children may make choices. Yet the regulations will restrict or eliminate choices for students: Mount Diablo has 15 secondary schools and menus are planned at the school, based on student preference.
>
> Currently, schools offer 10 to 15 entre choices, fresh and canned fruits, salad and ovenbaked french fries. The regulations would require us to standardize and limit choices, including the salad bars some sites offer. Interestingly, using weighted averages, we can add 8 to 16 ounces of Coke to our high school menu to meet the USDA regulations for fat and calories.

Finally, Mr. Chairman, speaking for the American School Food Service Association, while the focus of this hearing is on the pending nutrition regulations, the Congress will soon be in conference on the 1995 child nutrition reauthorization bill. Allow me to urge the House conferees to bring the parties at this table into the rulemaking process by vigorously supporting the provision in the House bill which require a negotiated rulemaking process.

Thank you very much.

[The prepared statement of Ms. Pilant appears at the conclusion of the hearing.]

Mr. STENHOLM. Next, Dr. Allen Rosenfeld, director of government relations, Public Voice for Food and Health Policy.

STATEMENT OF ALLEN ROSENFELD, DIRECTOR, POLICY AND PROGRAMS, PUBLIC VOICE FOR FOOD & HEALTH POLICY

Mr. ROSENFELD. Thank you, Mr. Chairman.

As you know for the past 6 years, Public Voice has been the leading advocate for improvements in the nutritional quality of the school meals program. For too many of those years we were the lone voice for reform. Now I am happy to say, there appears to be widespread recognition that while the need to feed hungry children is primary, it makes no sense to expose those kids to higher risks of heart disease, stroke, obesity, and possibly cancer.

I want to say from the outset that Public Voice strongly supports USDA's proposal. We do believe, however, the proposal must be strengthened to ensure that the regulations realize their promise of better health for school-age children.

One shortcoming of the proposal is its failure to propose standards for important nutrients other than fat or saturated fat. We are therefore urging USDA to also set quantitative guidelines for cholesterol, sodium, and fiber based on levels recommended by the National Academy of Sciences and the National Cancer Institute. All of these nutrients are critical for prevention of chronic health problems and none should be excluded from the proposal.

A question that is persistently asked about school lunch reform at this point is whether kids will be willing to eat lunches that have less fat and sodium. There seems to be a fear in some circles that kids will flee the program because tofu burgers and alfalfa sprouts will take over the school cafeterias and replace the bacon cheeseburgers, french fries, and pepperoni pizzas that the kids simply can't live without.

To test this hypothesis, being the research-based organization that we are, we contacted the real experts, those school food service directors who are already serving up the healthiest menus. Last week Public Voice released its sixth annual school lunch report entitled, "Serving Up Success," which featured 41 case studies of programs that have substantially improved the nutritional quality of their meals. In nearly every day, student participation remained constant or increased as a result of the nutritional changes that were made.

Serving Up Success also helps to answer another key question; namely, can the schools do this in a timely fashion? I think we heard a little bit from Ms. Pilant, yes, she thinks they can, even faster than the USDA has proposed with regard to their compliance deadline, but they are going to need something in order to make that happen.

Our case studies also provide important evidence that schools can respond quickly and effectively when food service directors are given the opportunity to use their creativity and commitment.

Based on this research, Public Voice has concluded that USDA needs to give schools the maximum amount of flexibility for achieving the new nutritional goals. Public Voice does support the use of nutrient standard menu planning and assisted nutrient standard menu planning as proposed by USDA. We also believe that other menu plans, such as the one that has been developed by the American Heart Association, and perhaps even alternative meal patterns should be permitted but only as long as nutrient analyses are undertaken somewhere along the line to demonstrate that these other approaches in fact meet USDA's new nutritional standards.

Additionally troubling the Public Voice is USDA's proposal to give schools until the 1998–1999 school year to meet the new standards. This would condemn program participants to a full 4 more years of an unacceptable status quo. More than a decade has already elapsed since the original dietary guidelines for Americans were issued. The last thing we need is further delay.

Even if USDA believes that a few less advantaged schools in both rural and urban areas will have difficulty complying before 1998–1999, a more appropriate response is to target those schools for technical assistance and additional flexibility while enforcing compliance. The vast majority of the schools in the program, however, we believe, should be required to come in compliance by 1996–1997.

Whatever the final deadline established by USDA, the Department also needs to do some housecleaning of its own to help schools meet the new nutrition standards. USDA's commodity distribution program continues to impose barriers to healthier school meals. Unfortunately there is little, if anything, in the current proposal to suggest that the Department as a whole has found a way to redirect its priorities in this area.

As reported first in Public Voice's, "Serving Up Success," over the past 5 years, the 1 billion pounds or so of subsidized food sent directly by USDA to schools through its commodity distribution program has provided between 47 and 50 percent of calories from fat, well over the 30 percent recommended by the dietary guidelines.

Now, one does not have to be a mathematician to understand that if this keeps up, schools will find it unnecessarily difficult to develop meal plans that meet the dietary guidelines.

Mr. Chairman, in our formal comments to USDA, which will be submitted tomorrow, Public Voice addressed these and other aspects of the regulatory proposal in much greater detail. I would ask that these formal comments as well as our latest school lunch report be included as part of the record of this hearing.

In summary, I want to reiterate Public Voice's support for USDA's proposal. With the right changes, USDA's proposal can lead to long, overdue action that will help safeguard the health of the Nation's youth. We look forward to working with the Department and with the Congress in advancing this issue as rapidly and effectively as possible.

Thank you.

[The prepared statement of Mr. Rosenfeld appears at the conclusion of the hearing.]

Mr. STENHOLM. Next, Ms. Lynn Parker, director of child nutrition programs and nutrition policy, Food Research and Action Center.

STATEMENT OF LYNN PARKER, DIRECTOR, CHILD NUTRITION PROGRAMS AND NUTRITION POLICY, FOOD RESEARCH AND ACTION CENTER

Ms. PARKER. Thank you, Mr. Chairman and members of the subcommittee for inviting the Food Research and Action Center here today to share with you our thoughts on the proposed rule on nutrition objectives for school meals. This is a very important issue for us and we really appreciate the opportunity to share our views with you.

As you know, FRAC is a national organization, working to eradicate undernutrition and hunger in the country. For that reason we are concerned about the potential impact of the proposed regulation. Over 25 million children nationwide eat school lunches every day in over 90,000 schools and over 5 million children eat school breakfast.

Over half of the children that eat the lunch every day are low-income children and the vast majority of children in the school breakfast program are low income. These children depend on school meals for a large percentage of the nutrients they take in every day, so these meals can mean the difference between good nutrition and hunger for many of these children.

Thus, any major change in school lunch regulations has the potential for very positive or very negative impacts on all children, but especially low-income children. FRAC welcomes USDA's efforts and leadership on implementing the dietary guidelines in the school meals programs and we strongly support the goal of making the school meals more healthful.

There are many positive aspects of the regulations and we applaud them. We go into more detail in our formal statement on the positive aspects of the regs but let me just list them quickly.

One is the calculation over a week's time of the fat content of the meals. We think that makes sense and is in the spirit of the dietary guidelines. Second, the emphasis on corrective actions over punitive sanctions. That is, when schools have difficulty complying with the new guidelines USDA is saying they will provide help on making the changes that are needed. We think that is much more positive than punitive action and we applaud USDA for doing that.

And finally, we are glad to see that the Department is taking leadership on making more visible the importance of providing children enough time to eat the meals that are put in front of them.

However, we believe that the regulations as proposed require some significant changes in order to accomplish the important goals that USDA has laid out for itself and for the nutrition programs. Our principal concern is that the nutrient standard and assisted nutrient standard approach in the regulations require a level of resources, equipment, and trained personnel not currently present in many schools and school systems.

The use of these methods requires computers, software, and staff to understand how to use nutrient analysis software, how to apply the complex set of planning and evaluation steps required, or the monetary resources to acquire them. This, I think, reflects many of the concerns raised by the members earlier in this testimony.

There is no evidence in the regulations that schools or States are capable of handling this burden or that USDA has reviewed this in any systematic manner. Nor is there a comprehensive plan in the regulations on how the resources are going to be made available to schools from outside to implement the regulations.

School meals are voluntary. Sometimes we forget this. School meals are voluntary in most States and most schools. We are concerned about regulations that are so complex and costly that they have the potential of being counterproductive. Instead of children receiving better school meals, we fear the proposed regulations have the potential of causing schools to drop out of the child nutrition programs. This would deprive children of meals they need, resulting in a negative impact on their diets, their growth and development, and their family's food security.

A major suggestion that we urge is one that others have discussed today and that is the development of a third option which would address the complex resource-intensive nature of the proposed regulations. This alternative described earlier in other's testimony is a modified meal pattern based on food, not on nutrients.

It could meet the nutrient, calorie and fat goals that USDA has laid out for the programs while recognizing that the training and the education of school food service personnel across this country varies greatly and the level of resources in various communities across the country also varies.

A second recommendation we make is the testing of any new standards before they are implemented nationwide. The nutrient standard approach is a major change in the program that feeds 25 million children in over 90,000 schools. It has the potential of negative consequences for many schools and many children. Therefore, the new standard should be tested and evaluated by the Department before it is required in schools nationwide. There are currently too many unknowns to require it nationally without some evaluation of its potential impact.

We have discussed with people in California the pilot testing of the nutrient standards and they have told us that every three school districts that were involved in this program were provided anywhere from $30,000 to $50,000 to implement the pilot and were also required to hire a part-time dietician. We are also told that the State pushed the schools to serve fruits and vegetables and grains. This is a very different kind of program than the one USDA has recommended.

In summary, although FRAC supports the Department's goal of implementing the dietary guidelines, we do not believe their proposed strategy does the trick. And we also think that they should think about other ways of accomplishing this goal including a third option—modified meal pattern based on foods.

Finally, I would like to make one other point that is not directly related to the regulations but it is something we often forget. It is important to remember that while the school lunch and breakfast programs and other child nutrition programs reach millions of children across this country, there are many other children in need who do not have access to these meals yet and a key aspect of improving children's nutritional well-being is to ensure access to child nutrition programs in their communities. USDA can play a crucial role in making this happen through their program policies, through their outreach efforts, in working to remove the barriers to participation by schools and sponsors, and providing the financial incentives that are necessary to get program expansion to happen.

We hope that in the future the Department takes on regulatory and legislative changes that will allow this program expansion to occur. We appreciate this opportunity to share our views, and thank you very much for your interest and your time.

[The prepared statement of Ms. Parker appears at the conclusion of the hearing.]

Mr. STENHOLM. Thank you. And our last but certainly not least witness today is Vicki Rafel, member of the board of directors of the National Parent Teachers Association. Thank you for your patience.

STATEMENT OF VICKI RAFEL, MEMBER, BOARD OF DIRECTORS, NATIONAL PARENT-TEACHER ASSOCIATION, AND PRESIDENT, MARYLAND STATE PARENT-TEACHER ASSOCIATION

Ms. RAFEL. Thank you. I am the president of the Maryland PTA and by virtue of that I serve on the national PTA board of directors, and I am very pleased to be able to be here to testify today, even if it is last. I do a good job of mopping up at the end.

We are very pleased to testify on this proposed rule, and I appreciate your willingness to include the longer written statement in the record of today's hearing.

We applaud the USDA's current efforts to improve the school meals programs. For the past year, USDA has gone out of its way to seek public comments on its efforts to improve the nutrition of school meals. The PTA members testified at field hearings and submitted comments on the agency's earlier nutrition proposals. We commend the Department for its willingness to work with parents on this issue. We support the major goal of USDA's proposed rule to lower the fat content of meals served in America's schools. In fact, we support all the USDA Dietary Guidelines for Americans, the document used as the basis of this requirement.

Our principal goals for the child nutrition programs are to expand access and improve the nutritional quality of school meals; grant local schools maximum flexibility in administering the programs; and involve parents as full partners in planning and implementing effective school meals programs.

While we applaud the USDA for its leadership in developing this rule, we request some modifications to the proposal to assure that schools are able to comply without compromising children's access to free and reduced priced meals, and to maintain the effectiveness of our programs.

The following are our recommendations for how the rule needs to be changed.

Many individual schools, and school systems, do not currently have the computer equipment nor the properly trained staff to follow the nutrient standard planning system outlined in the NPRM. We recommend that a third option be developed based on the current, successful food-based, meal pattern system, which could be modified to meet the desired nutrient calorie and fat goals, as have been suggested by several other speakers here today.

If this third modified option is not adopted, we recommend that USDA provide direct assistance to schools to acquire the equipment they need to comply with the NSMP system, rather than rely on the Assistant Nutrient Standard Menu Planning system, which limits schools' flexibility and control in menu planning and food preparation.

We recommend that USDA be required to develop a plan with maximum input from parents and school officials, describing the actual resources, technical assistance and training that will be made available to States and schools to help them comply with the regulations.

The rule should strictly limit fortification of foods and require specifically that the amount of fruits, vegetables, and grains served are increased. We are concerned that this new system will create increased complexity, causing schools to drop their school meal programs. We would like to see results of an evaluation of the NSMP demonstration projects now underway. This would provide good information about how this system works before it is required of all schools.

The regulations should allow maximum local control in developing menus, and in planning and preparing food. The rule should give more guidance or set goals for meeting all the dietary guidelines, not just fat.

Additional explanations of these recommendations along with comments on some positive aspects of the rule and future steps we believe need to be taken to improve the programs are included in our longer statements that will be inserted into today's record.

Thank you for allowing us to present our views.

[The prepared statement of Ms. Rafel appears at the conclusion of the hearing.]

Mr. ROBERTS [assuming chair]. I want to thank all the witnesses, and for the record let me simply state that the chairman, Mr. Stenholm, who had to leave on a temporary basis—and just to show you that this committee is bipartisan in its attempt to achieve a more healthy diet, the chairman left me the gavel and with it indicated this is a gavel, hold it in either hand, in my case it should be the right one, and bang it once to adjourn, which we will do very quickly.

I told the chairman that perhaps he had seen a preview of 1994. He indicated that that was a bit self-serving and premature, so I will not say that.

I am going to make a statement here and then ask just a couple of questions, and I want to thank you for your patience and I want to thank you for your contributions.

I think there has been an impression that was given here today that the school lunch program is somewhat of an antiquated and dangerous relic of the 1940's. That is not right. It is not correct. A reference has been made here today to an era of nutritional neglect. That was presumably all the decades prior to 1993. In fact, the school lunch program has been provided in local schools by local school food service workers who have struggled with very tight budgets and increasing Federal demands to provide the best food possible to America's schoolchildren.

For the record, the 30 percent fat standard in the dietary guidelines that are a focus of these proposed regulations, it was adopted in 1990. In every year since then, both the local school food service folks and the food and nutrition service have made innovations in the foods available to children to reduce the fat and sodium in the diet.

Virtually no one is arguing with the goal of reducing fat and sodium in school lunches. That has been the goal for 4 years. It continues to be the goal. And Federal agencies have been working to reach that goal steadily as well as local school districts.

So lest we become lost in the rhetoric as of today, we are discussing whether or not the Department's proposed regulations to create a centralized nutrient based system is the best way to reach these goals. The goal is not in dispute, only the method of reaching it.

A question for any of you to comment on. The California School Food Service Association stated when the average fat level in school lunches drops below 32 percent, the student's participation in the program drops dramatically. Is there any correlation between the reduction of the fat content of school meals and the rate of participation by the children in the program?

Mr. ROSENFELD. If I could, I want to comment based on the report, "Serving Up Success" that we just released last week. In the 41 case studies, we found that the vast majority of the individual schools that we looked at had either level or increased participation when the nutritional quality of the school meals was improved. So we are certainly seeing the reverse of that.

Now, we do not claim that our 41 case studies represents a statistically valid sample of the 93,000 school districts in the country, however, we did put together that survey based on the objective of looking at those who had made the kind of changes that USDA's proposed rule would try to bring about. So I think it sends an important message that participation and improved nutritional quality can go hand-in-hand.

Ms. PILANT. USDA's own study, which was conducted in 1992, which was 2½ years ago, did report, and USDA's own study indicated if it were reduced lower than 32 percent, calories from fat, that participation did drop. Of course, that was 2½ years ago and there may have been some improvements in that area since then.

We also know that some of the testimony last year in the fall hearings when USDA conducted them there were some people that testified that they had implemented a 30 percent calories from fat and the participation had dropped.

Mr. ROBERTS. Let me ask another question, and it is along the same lines and just as important, if not more so. Do any of you believe that these proposed regulations will have the effect of driving schools out of the national school lunch program because of the complexity and the lack of flexibility in the rules?

Ms. Parker, I think you testified that the average cost is somewhere between $30,000 and $50,000, and that is a real concern to us on the committee because of the impact on children from needy families. We sure do not want people to drop out.

Ms. PARKER. The $30,000 to $50,000 figure that I mentioned is how much the State of California provided to every three school districts to implement the pilot and I was trying to make the point that it is costly to do it. California has done it in many pilot districts, but they spent a lot of money to do it, and that would be hard for other States to come up with.

Mr. ROBERTS. How does that square with the commentary earlier that we are doing it at less cost? I realize there was a statement that we took from one budget function and provided it to the other, which is not really saving money, you are just making a statement on your priorities.

Ms. PARKER. California probably had a larger administrative budget, I suspect, being the large State that they are, and perhaps had the ability to provide those funds, I don't think a lot of States in this country particularly now have that option.

As I said in my testimony, we are concerned that this standard as it sits now in the regulations could cause schools to drop out of the program because they could not comply, because they have difficulty complying. We are certainly in agreement that the program should seek improvements and the dietary guidelines should be implemented, but we want the emphasis to be made in a way that is less costly and less complex for schools to implement.

Mr. ROSENFELD. Congressman, if I might add another piece of empirical evidence, and I think it is important that we do look at evidence here. In 16 of the 41 case studies, although program costs did increase somewhat, much of the cost was offset by the fact that participation increased. In another 16 of the 41, costs have decreased or stayed the same while participation has increased or stayed the same. So in many cases you have a wash.

I think, at least from my perspective, and I have looked at a lot of literature on this, I have not found any evidence that improving nutritional quality of the program has actually driven schools out of the program. I mean, that kind of correlation, I think, has yet to be demonstrated, and I would just urge——

Mr. ROBERTS. I don't mean that. I am talking about the regulatory cost.

Mr. ROSENFELD. I am referring to what Ms. Parker said. I would just urge caution before we jump to that kind of conclusion because that would be a major reversal.

Ms. PARKER. Could I respond to that? I am not saying that improving nutrition of meals is going to send kids out of schools or that schools are going to drop out because of improvements in the school meals. And I think the 41 schools that Mr. Rosenfeld refers to obviously have shown that is not the case.

What I am saying is that the regulations as they are laid out are so complex and difficult and resource-intensive and require such a level of expertise on the part of the personnel, that that is what I am concerned about. It is not the goal, it is not the various ways the States have been able to, or school districts have been able to, reduce fat or implement dietary guidelines. It is the proposed method I am concerned about.

Ms. PILANT. I would like to respond to this as a practitioner with over 20 year's experience in this area in three different States at all different levels, that I think it will definitely make a difference. We have just estimated the cost of what it would take to computerize one school that would be involved in this, and it is $2,500 to $3,500 based on USDA's specifications for the data base, and the computer system would be at least a 386 or 486 with 8 megabytes of memory. In our State alone, we estimate that would be about 800 schools out of our other 1,100, and that would be a cost of $2.5 million to computerize each school.

The other alternative is the assisted nutrient standard menu planning, which means you would have to have someone else oversee what you were doing in your school district, and our concern is the complexity of that method would actually drive schools from the program because it would simply be—they would lose local control over what was going on. Even their recipes would have to be evaluated by a State agency or USDA or some other entity before they could even use those in their school program.

The complexity is overwhelming when you look at it from the State agency that would have to implement this. And even though we do receive SAE money, I don't see we have the resources to do the kind of complexity that USDA is requesting. School districts would be driven to probably a la carte programs which are not covered under this program. And even though some States have mandates for school lunch programs, I think there would be a very strong pressure for schools just to drop the program and eliminate it entirely. Thank you.

Mr. ROBERTS. Did you want to make a comment?

Ms. RAFEL. Yes, please. The push to provide technology in the classroom is putting enormous pressures on our school systems and this additional piece of technology is going to have a definite impact on school system budgets, and as long as school systems are required to keep it revenue neutral at least, it works fine, but when you have to then invest money in the program, I would suspect that would be the place where you might get systems opting out of it. Not just the rural systems, but the smaller systems and perhaps even the larger urban systems.

Mr. ROBERTS. I thank you for your candid comments.

There is a recent article in the Washington Post again, September 1, and it describes the changes made by local schools to improve lunches and the breakfast, talking about pasta salad bars, talking about low fat turkey meats, spices instead of salt, low sodium hot dogs and french fries. Although I note the low sodium turkey hot dogs flunked in regard to the student preference and they instead now are having Belgium waffles and a new leaner version of meat loaf, so they made that choice.

But I think that this is happening all over the country by the local school districts. The article goes into considerable detail, and it is focused on northern Virginia, already making significant strides in cutting fat and sodium in their foods, spaghetti sauces, low fat turkey meat, again we are back to that, and the ground beef, a la carte breakfast bars. They take them to the students as they get off of the buses because of the distance involved, which is one of the things that I think maybe one of you mentioned.

But my point is that the favorites are still there, the pizza, the tacos, and the chicken nuggets but they are supplemented by things that we think are advisable but they are doing this without the $25,000 to $30,000 in regard to mandates.

Now, if Mr. Condit was here, the gentleman from California, Mr. Unfunded Mandate, in regard to the Congress, he would point out he has 151 of us signed up in this caucus. Because you cannot deal with any businessman or woman up and down Main Street, any farmer, any rancher, any essential service, hospital, school, without discussing these unfunded mandates, and about discussing the Federal Government getting into the business of rural dismantlement. I know it is true in the cities as well, and it is a real problem. And people are mad as you know what and they are not going to take it any more.

Thirty and 40 percent of our county budgets, of our city budgets, are now directly stemming from these Federal mandates. Mr. Condit has a bill, I am on it, that says if we have a mandate, we pay for it. Now, all of you would probably agree that if we paid for it, and we gave you the technology and the assistance, and we gave you the Secretary's plan, despite the testimony by the doctor from

Canada, that you would probably say, sure, if you pay for it. But, folks, we are not going to do that. And I would hate to get the school lunch program involved in an unfunded mandate controversy and take away from the value of the goals as expressed by this administration and previous administrations.

I am not asking a question, I am giving a speech.

Do any of you have any final comments before I wield the unique privilege of the gavel? Thank you for coming, this hearing is adjourned.

[Whereupon, at 5:35 p.m., the subcommittee was adjourned, to reconvene subject to the call of the Chair.]

[Material submitted for inclusion in the record follows:]

TESTIMONY OF ELLEN HAAS
ASSISTANT SECRETARY, FOOD AND CONSUMER SERVICES
U.S. DEPARTMENT OF AGRICULTURE
BEFORE THE
SUBCOMMITTEE ON DEPARTMENT OPERATIONS AND NUTRITION,
COMMITTEE ON AGRICULTURE
U. S. HOUSE OF REPRESENTATIVES
SEPTEMBER 7, 1994

Thank you for inviting me to appear before the Committee today regarding USDA's School Meals Initiative for Healthy Children. I last appeared before this committee on June 9, 1994. On that day, newspapers around the country ran stories and editorials on our school meals initiative. I'd like to read from a few of them.

The Houston Chronicle editorial stated:

"Sadly, for too many [needy] children, those school lunches constitute the only really nutritious food they get all day. For that reason alone, it is important that the meals be as healthy and appetizing as possible."

The Portland Oregonian editorial stated:

"Federal officials are changing the rules to encourage cafeterias to adopt lower fat menus. Good for them. It's high time school lunches reflected the importance of eating both a balanced diet and one that is low in fat."

And The St. Louis Post-Dispatch in supporting the School Meals Initiative, said:

"[The] mission may be difficult, but not impossible; for the program to succeed, it is crucial."

Such support for the initiative is typical. It is a response to a new USDA, which under Secretary Espy's leadership has accepted responsibility for ensuring that our programs play an important role in promoting the health of American children. I know that the members of this committee are aware of recent USDA studies that show school meals are too high in fat, saturated fat and sodium. The changes USDA is proposing will ensure that our nation's children will have more healthful menus in school.

Our goal in making these proposals is a simple one: healthy children.

There is a scientific consensus that an inadequate diet is related to chronic disease. Since lifelong eating habits are established by the age of 12, it is essential that we help children establish good eating habits early. The food that we offer in schools can set an example.

We have a federal policy on what makes a healthful diet. The USDA and the Department of Health and Human Services in 1980 established the Dietary Guidelines for Americans, which are based on sound science and updated every five years. The Guidelines are based on the best available scientific and medical knowledge and have been widely endorsed by both the private sector and the general public.

The last time I appeared before this committee, I outlined USDA's School Meals Initiative for Healthy Children, which is organized around a comprehensive, integrated framework for action.

Today, I'd like to give you a more detailed description of the major provisions of the proposed regulations.

School meals will be required to meet the Dietary Guidelines for Americans, which advise that no more than 30 percent of calories come from fat, and no more than 10 percent from saturated fat, by the 1998 school year. We encourage schools to make the changes earlier but we understand that change takes time and we want to give schools the time they need. Compliance will be achieved with USDA assistance and corrective action rather than through punitive sanctions, except in instances in which schools refuse to comply.

To help schools meet new requirements, we are introducing a new, flexible easy-to-use system of menu planning called NuMenus. This system of nutrient analysis will ensure that school meal providers can plan menus which meet the RDAs for vitamins and minerals and limit fat as well.

NuMenus will use updated computer software and a national Nutrient Data Base developed by USDA to help food service professionals plan and adjust school meals.

NuMenus will remove the distinctions about which foods are served and focus instead on total nutrients provided over the course of a week.

We already know this nutrient-based meal planning system works. It has been tested and proved successful.

Since 1989, many California schools have used nutrient-based menu planning with excellent results. And under this system, program costs have stayed the same or actually decreased. NuMenus builds upon this success--a proven method through which hundreds of schools around the nation have already improved the nutrition of the meals they offer children.

Nonetheless, USDA's proposal acknowledges that the 92,000 individual schools across the country participating in the school meals program have significantly different levels of technological capability. To help those schools--many of which are in rural areas--with limited access to technology USDA has proposed Assisted NuMenus, a system of choices, options and resources designed to help schools develop menus which meet the Dietary Guidelines.

The types of *free* assistance available from USDA under Assisted NuMenus could include standardized recipes, menu cycles, and food product specifications. We could also offer preparation methods and techniques for meeting the Dietary Guidelines. USDA has a long history of providing technical assistance to schools and that tradition will be improved and enhanced.

With the tools and technical assistance provided under USDA's Assisted NuMenus, every school in the country will be able to comply with the new regulations and serve meals which better promote the health of children.

Beyond NuMenus and Assisted NuMenus, there is a wide variety of free technical assistance which would be available to schools under our proposal. I'd like to mention a few of them.

We intend to offer access to computer support which would include a special USDA database offering accurate analyses of foods, USDA screening and approval of all commercial computer software for operating NuMenus systems, and free NuMenus computer training for state agency staffs.

We would offer grants to states to fund NuMenus training and technical assistance for local school food service staffs.

New, standardized, lower-fat school lunch recipes and accompanying training and promotion packages would be available to states and schools. And a new school lunch menu planning guide with CD-ROM applications also would be available.

We have already begun to collaborate with chefs across the country to help local school food service staffs improve the taste, appeal and appearance of school meals. This cooperative effort is generating enthusiasm and creative new ideas for preparing more healthful school meals. A recent example was the American Culinary Federation's School Lunch Challenge. The organization of 20,000 chefs around the country was challenged to prepare tasty meals that meet the Dietary Guidelines within current school lunch and breakfast budgets. USDA will distribute the winning recipes to schools.

Our proposal also recognizes that we must teach children about nutrition so they choose foods that are good for them. We must teach them in the classroom, the lunchroom and the living room. We have a number of initiatives under way to achieve these goals.

Our proposal also provides for streamlining the administration of school meals so that local school food service staffs may concentrate less on bureaucratic red tape and more on designing more healthful menus. We propose reducing paperwork by allowing state agencies and school food authorities flexibility through an extension of the Coordinated Review Effort (CRE) cycle from 4 years to 5 years, deleting a requirement for specific types of edit checks on daily meal counts for well-managed school food authorities, and eliminating the Federal requirement that schools document that they are operating on a non-profit basis.

We are analyzing ways to regularly measure improvements in the quality of school meals on a national basis.

Our School Meals Initiative for Healthy Children reflects an increased emphasis on nutrition throughout the Department.

As I testified three months ago, through our School Meals Initiative, we are ushering our commodity procurement programs into a new era.

USDA's commodity programs will continue to provide vital support in helping our school meals programs meet the Dietary Guidelines. Commodity groups across the nation are committed to working with USDA not only in developing lower-fat products, but in providing schools with recipes and technical assistance in using these new products. USDA will provide nutrition labels on commodity products donated to schools so that school food service personnel know the nutrition content of these products.

Secretary Espy recently established the Commodity Improvement Council to promote the health of school children by improving the nutritional profile of USDA commodity offerings, while maintaining the Department's mandated support of domestic agricultural commodities. The Council has already met and as a first step has begun a systematic, comprehensive review of current commodity product specifications.

We want to forge new links with local farmers to help schools purchase regional commodities in a more economical manner. USDA will work with schools, state departments of agriculture, small resource farmers, and farmers' markets, to name a few, to establish direct purchasing arrangements between schools and small farmers.

We want to increase the variety of fresh fruits and vegetables available to schools through a pilot program through which the Department of Defense will act as procurement agent for USDA. Schools would then have access--at lower cost--to the same wide variety of produce that is currently available in military commissaries and mess halls rather than the relatively limited variety of fresh produce that USDA can effectively buy and ship directly.

USDA's School Meals Initiative for Healthy Children was developed as the result of one of the most extensive consultative process in the Department's history. We held national hearings, analyzed more than 2,000 written comments, and held a series of focused issue roundtable discussions with organizations closely involved with school meals, agriculture, and children's health.

Our commitment to this public process extends to the comment period on this proposed regulation.

Once again, we want to hear what the public has to say. So we are nearing the conclusion of a 90-day comment period which ends Sept. 8, 1994. As of today, we've received approximately 5,000 comments.

I was pleased to note that the testimony heard by this committee today will also be forwarded to us for consideration as comments.

I can assure you that all comments will be carefully considered.

Mr. Chairman, members of the subcommittee, taken together, we believe that our School Meals Initiative for Healthy Children is a model for reinvention of government programs, as well as a model for promotion of national health and nutrition. And, we want to continue to serve the public in new ways.

Just last week, USDA announced a new Parents' Guide for Healthy School Meals--a checklist of 10 actions concerned parents can take to make sure their children have access to healthful meals at school. USDA and the National Parent Teachers Association (PTA) will cooperate in the distribution of the guide to parents of school-aged children through 27,000 local PTA units nationwide. The guide marks the beginning of a national initiative between USDA and the PTA, in agreement with the Department of Education, to support parents' involvement in healthful school meals for children.

A recent national poll shows overwhelming public support--more than 94 percent of those surveyed--for USDA's initiative to ensure that the nation's school children have access to healthy meals at school.

A vast majority of those surveyed supported USDA's proposal to provide school meals that reflect the most current nutrition recommendations. More than 92 percent of those in households with children agreed that USDA should take action to improve school meals.

More than 89 percent of those surveyed, and more than 94 percent of those in households with children, agreed that children should have more healthful meals in school. Almost as great a percentage supported action by USDA to provide school meals that reflect the most current nutrition recommendations. More than 88 percent of all those surveyed, and more than 92 percent of those in households with children, agreed that USDA should take action to improve school meals.

We cannot undertake this massive change without the full cooperation of all of our partners, including school food service personnel, the dieticians, the medical community, the advocacy community, parents, educators, food producers, and, of course, the Congress.

We plan to hold a roundtable later this month with national non-profit organizations, professional associations and philanthropies to discuss methods for working together to improve the nutritional status, and therefore the health, of American children. And in October, we plan a national interactive audio-video conference for program stakeholders and cooperators to discuss effective strategies in order to develop successful programs for a national nutrition education campaign.

With our School Meals Initiative for Healthy Children, we are beginning a new era for our children, for their parents, their teachers, their school food service providers, and for the U.S. Department of Agriculture. This fundamental revision of the School Meals Program marks the beginning of an era of continuous improvement and a healthy future for America's children.

This concludes my formal statement. I will be pleased to answer any questions you or the subcommittee members may have.

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

NOV [illegible] 1994

Honorable Tim Holden
U.S. House of Representatives
1421 Longworth House Office Building
Washington, D.C. 20515-3806

Dear Congressman Holden:

Enclosed, with this letter, are replies to questions you submitted for the recent hearing on the School Meals Initiative before the House Agriculture Subcommittee on Department Operations and Nutrition. These questions were subsequently referred by Committee staff to us as there was not time at the hearing to ask all of the questions.

We are pleased to provide these answers and would be happy to answer any further questions you might have.

Sincerely,

Ellen Haas

Ellen Haas
Under Secretary for
Food, Nutrition, and Consumer Services

Enclosure

cc: Julie Paradis
House Agriculture Committee

AN EQUAL OPPORTUNITY EMPLOYER

Question: It is my understanding that USDA has requested some $20.5 million including $10 million to conduct a children's nutrition education campaign, and $10.5 million to train school food service directors on the new menu plan. Of that amount, I am told $8.4 million will "flow to states" to conduct the actual training of school food service and classroom staff. Do you plan to follow through and provide the $8.4 million to state educational agencies to provide this training?

Answer: We are planning to make a portion of the $20.3 million appropriated available to states for technical assistance to and training of local school food service operations. Since provisions of S. 1614 will change the options for menu planning available to school districts, we are in the process of determining what new materials will be developed Federally, and what should be done by states.

Question: My understanding of the Department's new menu system is that it will eliminate the traditional food groups and replace them with specific requirements for individual nutrients, is that correct?

Answer: No. Traditional food groups are eliminated, but meals would be planned based on the nutrients provided from various food groups. Under the current meal pattern system, which is based on food groups, schools must serve meals that conform to a specific meal pattern established in the regulation. The meal pattern specifies the minimum amounts of the five food items which must be offered (meat or meat alternate, bread, fruit/vegetable, and milk) in order for the meal to receive reimbursement but it does not contain any guidance about purchasing or preparation techniques. While the current meal pattern provides for adequate amounts of vitamins, minerals and calories, it inhibits the ability of schools to comply with the Dietary Guidelines for Americans, one of which limits calories from total fat to 30 percent and from saturated fat to 10 percent.

The Department's new menu system, NuMenus, is a flexible approach to menu planning designed to meet the Dietary Guidelines for Americans, while continuing to provide lunches meeting specific nutrient standards for calories and for key nutrients. Under NuMenus, menus will be planned based on their nutrient composition, not simply on the amount of specific food items. It takes into account purchase and preparation methods by including all of the foods that are in a recipe. We believe NuMenus allows more local creativity and flexibility in menu planning as well as a more consistent analysis of nutrients over time.

Question: If you no longer require schools to offer choices from the fruit and vegetable groups, is it not possible that your new menu plan may result in a decrease in the amount of fruits and vegetables purchased by and served in schools?

Answer: Previous experience in pilot programs utilizing the nutrient standard approach in lieu of a meal pattern have resulted in menus that continue to provide fruits and vegetables. There is considerably more flexibility in menu planning when you are not required to adhere to a pattern specifying the amounts and types of foods that are allowed. We expect more fruits, vegetables and grain products to be served as the menus must meet not only the Recommended Dietary Allowances for key nutrients but must also incorporate the Dietary Guidelines for Americans. Increased amounts of low fat foods, e.g., fruit, vegetables, etc. will be needed to offset the loss in calories as fat is reduced.

Question: The nutritional value of fresh apples is less than some other fruits. There is also no specific dietary guideline for fiber, which apples do provide. What impact will Nutrient Standard Menu Planning (NSMP) have on the sale of fresh apples in the school lunch program?

Answer: In fact, the 1990 Dietary Guidelines for Americans do recommend increasing the level of dietary fiber, and apples are an excellent and delicious source of dietary fiber. Although the target levels for dietary fiber are not specifically quantified in the 1990 Dietary Guidelines, the Department will be monitoring the levels of dietary fiber in school meals and expects schools to show progress, as appropriate, toward increasing dietary fiber in meals.

The Department does not foresee a reduction in fresh apple sales to the schools under NSMP. Since apples are versatile, high fiber food which is useful in low fat menu planning, apple sales should not decline and may indeed increase. In fact, the Department's economic impact statement to the proposed rule on NSMP projects an increase of an additional 718 million to 1.1 billion pounds in the use of fruits in the school lunch under the NSMP. In addition, the Department is actively promoting the increased use of fruits and vegetables in the school lunch program, and we know that fresh fruits are favored by children.

Question: My concern is whether or not the schools themselves will decrease their purchases of fresh apples. If schools do not purchase as any fresh apples in an effort to meet your nutrient requirements, will USDA purchase more commodity apples in order to offset any harm which growers may experience ?

Answer: Apple purchases made by USDA are driven by a combination of the need to remove surplus fruit from the market and the schools preferences and orders. We have no reason to believe that schools would reduce their purchases of apples under the proposed new requirements. If a national surplus of apples occurs, however, USDA normally steps in and purchases apples in accordance with its surplus removal authority.

A pilot project with DOD (Department of Defense) that began September 1994 may result in larger apple purchases. It allows schools to order fresh produce (including apples) directly from DOD produce buyers located in the major markets across the country. DOD already uses this system to purchase fresh products for its military bases and commissaries. If the pilot continues to prove successful it will be expanded next year. If schools choose to purchase apples it could significantly increase the quantity now purchased by USDA.

Question: It is my understanding that the Department has no plan to regulate the use of fortified foods by schools to meet the nutrition requirements. Is that correct ?

Answer: USDA is committed to the nutrition principle that the preferred source of adequate nutrition is a meal providing a variety of conventional foods rather than formulated fortified foods. To date, the Department has been unable to develop scientifically-based criteria that could be applied in a consistent manner to a variety of food products, to prohibit meeting the established nutrient standard through the addition of nutrients/dietary components to foods, and in the proposed rule of June 10, 1994, requested comments so that fortification could be addressed in the final rule.

Question: If you do not regulate the use of fortified foods, what will prevent schools from using highly sugared fruit drinks with added vitamins, instead of fortified apple juice?

Answer: The Department believes it is better for children to get their required nutrients from natural sources by eating a wide variety of foods, as recommended in the Dietary Guidelines. We believe schools will continue to plan their menus to accomplish this goal and will not rely on highly fortified, sugared products for both financial and nutritional reasons. Highly fortified products tend to be expensive. On the other hand, schools will want to get the best value for their food dollars by purchasing proven, well-priced products such as apple juice. Furthermore, public comment to the Department's Nutrient Standard Menu Planning proposal indicates significant support among food service personnel and parents for natural, nutritious "whole" foods rather than highly fortified, formulated products.

AMERICAN
CANCER
SOCIETY

TESTIMONY OF NANCY BERGER, MPH

ON BEHALF OF THE
AMERICAN CANCER SOCIETY

BEFORE THE

HOUSE COMMITTEE ON AGRICULTURE
SUBCOMMITTEE ON DEPARTMENT OPERATIONS AND NUTRITION

ON

COMMENTS ON USDA'S PROPOSED RULE
TO PROVIDE NUTRITION OBJECTIVES FOR SCHOOL MEALS

SEPTEMBER 7, 1994

For more information, please contact:
Nancy Hailpern
Manager, Grassroots Development
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Mr. Chairman and members of the committee, I am Nancy Berger, Director of Child and Adolescent Health in the Connecticut Department of Health Services. I am past president of the Association of State and Territorial Public Health Nutrition Directors, and I currently serve as Chairman of the Board of the Connecticut Division of the American Cancer Society. I am pleased to be here today to discuss the American Cancer Society's comments on USDA's proposed *School Meals Initiative for Healthy Children*.

The American Cancer Society is pleased to have had the opportunity to participate in two of the four regional hearings held by USDA last year, and we applaud the U.S. Department of Agriculture's leadership in improving the health of America's children by providing for more nutritious meals and better nutrition education in schools through the *School Meals Initiative for Healthy Children*.

The American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives from cancer, and diminishing suffering from cancer through research, education and community service. Among the Society's priorities for the year 2000 is cancer prevention, including promotion of better nutrition in order to reduce cancer risk. Diet is one cancer risk factor over which we have substantial control. As we learn more about the relationship between nutrition and cancer, we improve our ability to prevent up to one-third of cancers which we estimate to be diet-related.

The most effective way to prevent cancer and other chronic diseases is to start by teaching children at a young age how to avoid risky behaviors that will lead to disease and poor health later in life. Behaviors such as tobacco use and poor eating habits are responsible for the majority of preventable cancers, but the best way to reduce these behaviors is to teach children to avoid them before the behaviors become habit. Such childhood education can be accomplished in two ways: through instruction and through example. The American Cancer Society has worked to integrate these two approaches through promotion of comprehensive school health education as a core priority for the organization.

In the area of child nutrition, the American Cancer Society, in conjunction with the National Cancer Institute, developed our *Changing the Course* Program for child nutrition. This program includes both a nutrition education curriculum for schools to use as part of a comprehensive school health education program, and a manual for school food service providers. A recent evaluation of

Changing the Course found that, by using the program, school food service providers were able to lower the fat content of school meals without adversely affecting the overall nutritional quality of meals (i.e., the extent to which meals satisfied one-third of students' daily needs for calories and other essential nutrients), food acceptability, student participation in the school lunch program, or overall meal costs ("Evaluation of the School Nutrition Demonstration: Final Report;" prepared for the Henry J. Kaiser Family Foundation and the American Cancer Society). This example shows that modification of the federal school meal programs to improve their quality is achievable, and that resources are available in the community to assist in achieving this goal.

I. Meeting Dietary Guidelines

The American Cancer Society supports the goal of the USDA to bring nutrition standards for school meals into compliance with the *1990 Dietary Guidelines for Americans*. The purpose of the National School Lunch Program and the School Breakfast Program is to improve the health of children by ensuring that they have food at school. But this purpose cannot be fully met if the meals contain a poor nutritional balance that could lead to poor health and diet-related diseases. By providing meals that meet the *Dietary Guidelines for Americans*, the U.S. Government will safeguard the nutritional integrity of these meals and remain consistent with its own objective.

Evidence from numerous experimental and human population studies suggest that up to one third of deaths from cancer in the United States, including the most common sites such as breast, colon and prostate, may be attributed to dietary practices. For this reason, the American Cancer Society has developed dietary guidelines for cancer risk reduction. These guidelines include: 1) maintaining a desirable body weight; 2) eating a varied diet; 3) including a variety of both vegetables and fruits in the daily diet; 4) eating more high fiber foods, such as whole grain cereals, legumes, vegetables, and fruits; 5) cutting down on total fat intake; 6) limiting consumption of alcoholic beverages; and 7) limiting consumption of salt-cured, smoked, and nitrite-preserved foods.

As more is learned about the relationship between diet and health, it is reasonable to expect that federal nutrition guidelines will be updated. The American Cancer Society hopes that the USDA School Meals Initiative will be flexible enough so that the program can be updated to remain consistent with revised nutrition guidelines as they are updated.

II. Nutrition Education as part of Comprehensive School Health Education

The American Cancer Society believes strongly that children need a comprehensive health education program in school which provides instruction on how to lead healthier lives and reduce disease risk. But this instruction must also be reinforced by example to make the most impact on children's behavior. The educational message of nutrition taught in the classroom should be consistent with healthy meals served at school and at home. The cafeteria can be a relatively low cost/low tech laboratory of learning.

The American Cancer Society strongly supports the implementation of comprehensive school health programs in schools throughout the country. We urge coordination between the Departments of Agriculture, Education, and Health and Human Services, as well as the U.S. Congress, to ensure that American children are educated, by instruction and by example, to provide them with the ability to maintain healthy lifestyles, including making good dietary choices.

III. Coordination Between Nutrition Education and School Food Service.

School is a place for learning, whether the education takes place in the classroom, on the playground or in the cafeteria. In order for a school health program to be comprehensive, all aspects of the school experience must be consistent if the children are to benefit fully. Therefore, nutrition instruction in the classroom should be linked with the food that served in the cafeteria. The American Cancer Society is pleased to have the opportunity to demonstrate this in a national program.

Based on an abundance of scientific studies showing the link between diet and cancer risk, the American Cancer Society, in partnership with the National Cancer Institute, developed *Changing the Course* in 1988 to assist schools in implementing a coordinated nutrition program for children. In order to provide consistency between the instruction and the practice, the program consists of both nutrition education curricula for use by teachers and a manual for school food service providers that assists them in preparing meals that follow healthy dietary recommendations. Program materials are provided free of charge to schools. *Changing the Course* has been shown to have a consistent, positive effect on students' nutrition-related knowledge and behavior.

The American Cancer Society strongly supports USDA's plan to launch a nutrition education initiative as part of the *School Meals Initiative for Healthy Children*. Recognizing the value of partnership and collaboration, we hope the resources of our volunteers across the country can assist schools in implementing this coordinated and comprehensive nutrition program for school children.

IV. Balancing Nutrient Content Based on Weekly Analysis

Based on the science of nutrition and cancer prevention, the American Cancer Society advocates that it is important to focus on the total diet, rather than individual foods or nutrients, in encouraging a preventive health nutritional pattern. Looking at the "big picture" of analysis based and a whole week's worth of meals helps lead to behavioral change that promotes a healthy lifestyle. USDA's requirement that nutrition analysis be based on a weekly menu, rather than meal-by-meal, will help to keep the emphasis on the total diet, and the American Cancer Society supports this stipulation.

V. Implementation Date

The American Cancer Society strongly urges implementation as soon as possible. Some schools may be able to achieve compliance with the USDA rules earlier than the proposed 1998 implementation date. USDA should encourage prompt implementation where possible, and should provide incentives for earlier implementation.

American Cancer Society volunteers are available to assist schools in expediting implementation of this important program.

Earlier implementation will further enable success in meeting the federal Healthy People 2000 Objectives calling for changes in dietary patterns through nutrition education and healthful food service for children. These behavior patterns cannot occur unless the infrastructure for providing the nutrition education and healthful food service is in place. It is necessary to allow the time to implement these institutional changes which will then enable the actual education and subsequent behavior that is desired by the year 2000.

Similar objectives were in place for 1990 and were unmet. We hope we can all take the necessary actions so that the objectives having to do with the health of our nation's children do not go unmet again in the year 2000.

VI. Nutrient Disclosure

The American Cancer Society encourages USDA to require general nutrient disclosure for school meals. Such disclosure allows students and their parents to understand their school meals in the context of the nutrition education they receive in the classroom.

But the disclosure requirements should not be so rigid that they become burdensome to school food service providers.

VII. Training for Food Service Providers

The American Cancer Society commends USDA for its intention to provide training and technical assistance to schools and food service providers for implementation of the *School Meals Initiative*. Quality training and ongoing technical assistance are essential to ensure an informed, skillful, and motivated team to implement the initiative. Both training and technical assistance can advance the capacity of schools to implement this initiative expediently and successfully. We further encourage that any training and technical assistance protocols utilize existing resources and/or collaborate with parallel initiatives. The Society also supports the use of qualified nutrition professionals to direct nutrition services in schools, including training and technical assistance.

VIII. Fortification

Regarding the use of fortified foods to meet the specifications of the *School Meals Initiative*, the American Cancer Society urges caution. Although for nutrition purposes, fortification of foods can sometimes be beneficial, as in the case of milk fortified with Vitamin D, there is a proven association between eating certain types of foods and cancer prevention. Therefore, for cancer prevention purposes, dietary benefits rely on the actual foods such as fruits, vegetables, whole grains and legumes, rather than nutrient supplementation. Since schools, as community centers of learning, set the example, here is an opportunity to impact on lifelong eating habits by serving a variety of foods with nutrients necessary for good health and not super fortified food items or supplements.

IX. Flexibility in Menu Planning

ACS endorses Nutrition Standard Menu Planning in principle, but we agree that flexibility is essential to the success of the program, and schools need sufficient time to implement the program. The American Cancer Society applauds USDA's movement toward much-needed change in its school meal programs. The USDA needs to shoulder the bulk of the responsibility for the success of this new initiative. However, organizations such as the American Cancer Society are in the communities and we offer our assistance in training and providing "necessary resources" to schools.

This Initiative is very timely, coming during the course of national debates on education reform and health care reform. By pushing for changes toward good health practices, schools can become the springboard for lifelong behavior patterns which will improve the lot of children, and ultimately of society as a whole. The American Cancer Society applauds the US Department of Agriculture's efforts in preparing the *School Meals Initiative for Healthy Children*. This initiative provides a thorough proposal for improving the health and well-being of school children by not only improving the quality of the meals they receive, but also coordinating these meals with nutrition education provided to children in the context of comprehensive school health programs. But USDA cannot do this alone. The American Cancer Society strongly supports this effort, and pledges its assistance in helping schools in the implementation of the Initiative.

SNE SOCIETY FOR NUTRITION EDUCATION

Frances Cronin, Ph.D, R.D.
Society for Nutrition Education

Testimony before the U.S. House of Representatives Committee on Agriculture Subcommittee on Department Operations and Nutrition School Meals Initiative for Healthy Children of the U.S. Department of Agriculture

September 7, 1994

Good afternoon, Mr. Chairman, members of the committee, and guests, my name is Dr. Frances Cronin, and I am here today representing the Society for Nutrition Education (SNE) to address the recent effort by the U.S. Department of Agriculture (USDA) to improve the school meals program. We appreciate this opportunity.

A Positive Direction

As the leading national professional association linking nutrition, food, and education, SNE commends the USDA for its School Meals Initiative for Healthy Children and welcomes the opportunity to comment on the regulations proposed to govern this program. SNE supports revising the current program and agrees in concept with the direction of the proposal, including:

- the emphasis within the program on nutrition, nutrition education, and food quality;
- the mandate to "have school meals conform to the 1990 Dietary Guidelines for Americans... as well as provide proper levels of nutrients and calories;" (*Federal Register*, Volume 59, No. 111, Friday, June 10, 1994, p. 30219.)
- targeting a reduction in the consumption of fat in school meals;
- making greater use of computers and technology in the school meal program and in the analysis of the nutritional content of those meals;
- crediting all foods for their nutritional contributions, thereby giving individual schools and school districts greater flexibility to accommodate the regional and cultural food interests of their students; and
- the launching of a nutrition education initiative, with the Administration providing the leadership to address training and education.

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These are strengths and represent a foundation upon which to build. Some of the details in the proposed regulations, however, raise serious questions and concerns.

Issue: **Incorporate Dietary Guidelines In School Meals As A Learning Tool**

SNE believes that an effective school meals program should do two important things: it should provide nutritious meals for school children and it should complement nutrition education in the classroom so that students can make appropriate food choices both in school and outside of school. In the School Meals Initiative for Healthy Children, "the Department is proposing to use the Dietary Guidelines as the basis for the nutrition standards for school meals." (*Federal Register*, Volume 59, No. 111, Friday June 10, 1994, p. 30220.)

"The current Dietary Guidelines recommend that people eat a variety of foods; maintain a healthy weight; choose a diet with plenty of vegetables, fruits, and grain products; and use sugar and sodium in moderation. The Dietary Guidelines also recommend diets low in fat, saturated fat, and cholesterol so that over time, fat comprises 30 percent or less of caloric intake, and saturated fat less than 10 percent of total calories, for persons two years of age and older." (*Federal Register*, Volume 59, No. 111, Friday, June 10, 1994, p. 30229.)

As proposed, however, the School Meals Initiative for Healthy Children does not reflect all of the dietary guidelines. Students would see a strong focus only on the reduction of fat and saturated fat – commendable goals, but they do not reflect all of the Dietary Guidelines.

- Students would not necessarily see a variety of foods offered because fewer components would be required in school lunches than are currently required. The use of nutrient-based requirements may discourage schools from offering foods that might provide variety within a food group but that are not especially rich sources of a required nutrient.
- They would not necessarily see the recommended emphasis on eating more fruit and vegetables because under the School Meals Initiative for Healthy Children, schools no longer would be required to offer students fruits and/or vegetables in every meal.
- They would not necessarily see an increase in the consumption of whole grains because increased fiber is only recommended, not required, as part of the School Meals Initiative for Children.
- They would not necessarily see the recommended emphasis on moderating intake of sugars. Since sugars provide an inexpensive way to meet calorie requirements without exceeding fat limits, school programs may greatly increase the amount of sweet foods they serve to meet calorie requirements.

Currently, the USDA is about to begin a demonstration project of Nutrient Standard Menu Planning (NSMP) in thirty-four school districts throughout the country. This effort should yield useful insights into the possible consequences of this nutrient-based approach to school meals. SNE commends USDA for this demonstration project. We believe that the evaluation of this project will provide valuable insights into the consequences of the program. In evaluating the results of these pilot programs, it will be important to consider the impact of the proposed regulations on:

- the ability of schools to meet the broad spectrum of nutrient objectives, including components not targeted at all by the regulations, such as vitamins and minerals, and components such as fiber, sugar, and sodium;
- participation rates;
- the effectiveness of the meals program as an educational tool; and
- cost.

SNE strongly recommends that mandated NSMP of the School Meals Initiative for Healthy Children be delayed until the demonstration projects have been completed and their performance thoroughly evaluated.

As currently structured, SNE is concerned that the School Meals Initiative for Healthy Children could provide students with the recommended nutrients but not an example of healthy meals. They may, for example, learn in the classroom that they should eat three to five servings of fruit and two to four servings of vegetables every day, but then, they may not be offered any fruit or vegetables with their school lunch. If we are going to teach students all of the dietary guidelines, the meals must follow all of the dietary guidelines, not just a few of them.

Issue: Inadequate Funding for Training and Other Program-Necessitated Expenditures

The School Meals Initiative for Healthy Children is a laudable program, and SNE commends USDA on the tone of the proposed regulations, which stress working with school districts to assist them in complying with the requirements of the new program. Nevertheless, it is clear that the School Meals Initiative for Healthy Children is a complex undertaking that will require changes in the planning and serving of meals in America's schools. Changes of this magnitude will require well conceived and adequately funded training programs in every state.

SNE has serious reservations about whether the program, as proposed, adequately funds such training. According to the Secretary of Agriculture, the School Meals Initiative for Healthy Children would be funded by an appropriation of $30 million. This $30 million, however, is an annual appropriation and would be subject to the normal legislative appropriations process. It is by no means guaranteed and may not be provided as expected. SNE also doubts that $30 million is even close to the amount of money needed to provide the training, equipment, and materials necessary to launch the School Meals Initiative for Healthy Children.

SNE supports additional funds for training to implement NSMP. SNE is concerned that current NET (Nutrition and Education Training) funds may be diverted for this purpose. Section 227.36 (CFR) outlines fifteen different categories of need that must be assessed and addressed under the NET program. It would be impossible to perform this legislatively mandated work without these funds.

USDA maintains, for example, that schools and school districts that cannot afford to conduct NSMP independently could "draw on the expertise of others to provide menu cycles, adjusted for local needs and preferences." (*Federal Register*, Volume 59, No. 111, Friday, June 10, 1994, p. 30228.) This may be possible in some places, but SNE believes it would not be possible everywhere.

Many schools and/or school food authorities may require funds for the purchase of computer hardware and software to do the required analysis. The changing meal requirements also could necessitate capital outlays by some individual schools, and the program does not provide any funds for such expenditures. If school meals are to reduce fat by baking items instead of frying them, for example, more ovens may be needed; likewise, if schools hope to serve more fresh fruits and vegetables, they may need more refrigeration equipment.

In light of the increased cost involved in implementing the School Meals Initiative for Healthy Children, some school districts may choose not to bother with the program at all. A recent report by the U.S. General Accounting Office noted that more than 300 schools have left the National School Lunch Program since 1989. Two of the major reasons that these schools cited when explaining their departure were the administrative complexity and USDA regulations. (U.S. General Accounting Office, *Food Assistance: Schools That Left the National School Lunch Program*, GAO/RCED-94-36BR (Washington, D.C: General Accounting Office, December 1993), pp. 2, 21-29.) SNE is concerned that the cost and complexity of the School Meals Initiative for Healthy Children could have a similar effect, inducing still more schools to leave the program.

Issue: The Program May Not Lead to Children Eating More Healthful Meals

In theory, the School Meals Initiative for Healthy Children seeks to encourage children to eat healthful, more nutritious meals. In practice, the proposed requirements may have the opposite effect.

Current regulations for students in grades four through twelve, for example, require that school lunches offer at least two fruit/vegetable items totaling at least three-quarters of a cup, two ounces of a meat or meat alternative, bread or a bread alternative (eight servings per week), and eight ounces of fluid milk. The proposed regulations, on the other hand, require just three items: a main entree, a second item, and fluid milk. Other than the milk, no specific foods are required. Instead, meals only must provide a specified average level of calories, protein, iron, calcium, and vitamins A and C; they also must stay within a stipulated maximum of calories from fat and saturated fat. (*Federal Register*, Volume 59, No. 111, Friday, June 10, 1994, p. 30234.)

In theory, the new, proposed criteria could form the basis for meals that include a wide variety of foods. In practice, however, it would be possible to serve meals that meet the proposed criteria yet provide few or no servings of fruit and vegetables and no whole grains at all. The required level of vitamin A for children ages eleven through seventeen, for example, could be met by serving only about four carrot sticks a week; even less would be required for younger students. Similarly, the required level of vitamin C for one week could be met with a single, three-quarters of a cup serving of orange juice. These natural sources of vitamins A and C also could be provided through fortification of other foods.

Other than the fat and saturated fat content, the proposed regulations pay too little attention to other aspects of a healthy and nutritious diet. They do not increase the amount of whole grain breads and bread alternatives offered in school meals. Likewise, and as noted previously, they also could result in the serving of fewer fruits and vegetables than required

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under the current program. This, in SNE's view, is neither reform nor improvement. A fat-reduction program, though laudable, constitutes an incomplete program.

In addition, SNE is concerned that the School Meals Initiative for Healthy Children may have the unintended effect of encouraging school food service personnel to minimize student choice. Under the regulations, for example, and especially if funds for training and computer equipment are not adequate, schools may find it much easier to use a single daily menu rather than offer multiple-choice menus. Multiple-choice menus would involve a great deal of computer analysis and paperwork, none of which has anything to do with the direct serving of nutritious meals. Thus, offering single menus would make the school's job much easier, but it would do so at the expense of limiting the food choices of the students. If children do not like what is being served, they will not eat it, so this would reduce the likelihood that students would choose a well-balanced, reimbursable school meal. Offering more nutritious meals, while an excellent goal, is of little value if children choose not to eat them.

Issue: Possible Overuse of Fortified Foods

SNE is concerned about the possible overuse of fortified foods in the School Meals Initiative for Healthy Children. While the regulations do not encourage the use of fortified foods, they fail to explicitly discourage their use. They state that "This proposal does not require school food authorities to distinguish between naturally occurring nutrients and those that are added through fortification."(*Federal Register*, Volume 59, No. 111, Friday, June 10, 1994, p. 30229.) This amounts to tacit approval and potential over-reliance on fortified foods.

The major drawback is that fortified foods could be used in the context of a program that mandates requirements for just a few vitamins and minerals and effectively ignores the many other nutrients that children need to thrive and grow. This view was clearly expressed in the Food and Nutrition Board's *Recommended Dietary Allowances*, published in 1989, which stated that

> "Because there are uncertainties in the knowledge base, it is not possible to set RDAs for all the known nutrients. However, the RDAs can serve as a guide such that a varied diet meeting RDAs will probably be adequate in all other nutrients. Therefore, the subcommittee recommends that diets should be composed of a variety of foods that are derived from diverse food groups rather than by supplementation or fortification and that losses of nutrients during processing and preparation of food should be taken into consideration in planning diets." (National Research Council, *RDA*, 10th edition (Washington, D.C.: National Academy Press, 1989), p. 13.)

There are many reasons to recommend an adequate intake of fruits, vegetables, and whole grains. In addition to providing fiber and vitamins A and C, they also provide folic acid and other micronutrients and phyto-chemicals that may help prevent cancer and improve health. The recommendation to eat a generous amount of fruits and vegetables is supported by a wealth of epidemiological evidence (Willett, Walter C., "Diet and Health: What Should We Eat?" *Science*. April 22, 1994, pp. 532-537.) Fortified ades and punches, for example, while potentially useful supplements in providing vitamins A and C, may not provide many other essential nutrients found in fruit and vegetable juices.

Nutrients do not act in isolation, and fortification and supplementation with individual nutrients cannot create a healthy diet. Even though so-called designer foods with enhanced nutrients may be available, we should continue to emphasize the consumption of a wide variety of foods from diverse food groups. This offers students the best chance of getting the nutrients they need most – and even benefiting from food components about which we know little at this time. (Shaw, Anne and Carole Davis. "The Dietary Guidelines Focus on Reducing Excessive Intakes." *Food Review*. USDA, Economics Research Service, January-April 1994, pp. 4-7.)

Another problem with fortified foods was alluded to previously in the section "Incorporate Dietary Guidelines..." A major goal of nutrition education is to educate students to make informed choices about the foods they eat. We cannot accomplish this if we talk about food groups and a balanced diet in the classroom and then serve meals that are limited in the number and types of foods offered in the cafeteria. We do not want students to conclude that they can get nutrients from a few fortified foods. A balanced diet containing a variety of foods in moderate amounts is the message that must be communicated.

The proposed regulations downplay the possible overuse of fortified foods, stating that

> "The Department believes the standards as outlined under NSMP that meals contain adequate calories and that at least three menu items be offered, as well as the higher expense of engineered foods, will inhibit excessive reliance on highly fortified foods." (*Federal Register*, Volume 59, No. 111, Friday, June 10, 1994, p. 30229.)

SNE disagrees strongly with this conclusion and believes that the School Meals Initiative for Healthy Children, as currently structured, may encourage the use of fortified foods instead of discouraging their use.

Fortified foods were limited in California's Nutrient Standard Menu Planning pilot project. The regulations governing that program state that

> "Nutrients added to foods can be counted toward the nutrient standard only if they were added in accordance with:
>
> 1) a Standard of Identity or Standard of Enrichment issued by the Food and Drug Administration (FDA) for the food item. Commonly enriched foods for which fortification is added under this provision include milk, margarine, commercially-prepared cereals, enriched bread and cereal products, and fruit products including canned prune juice, nectars, and canned applesauce;
>
> 2) a USDA purchase specification for a donated commodity food;
>
> 3) a Standard for an Alternative Food for Meals (see 7 CFR 210.10 and 220.8), excluding formulated grain/fruit products; or
>
> 4) a breakfast cereal available on the commercial market. The nutrients added to fortify products such as the USDA enriched macaroni with fortified protein can be counted toward the

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> nutrient standard." (California Department of Education, Nutrition Education and Training Program, *Program Requirements for the Revised Meal Pattern*, Sacramento, CA, July 1994.)

SNE recognizes that the California regulations may be very difficult to implement on a nation-wide basis and may be subject to varying interpretations. This does not mean that efforts should not be made to develop procedures that ensure that the use of fortified foods to meet the levels of required nutrients also provides adequate amounts of other essential nutrients and other food components recognized as essential for good health. Therefore, SNE recommends that USDA request that a nationally recognized scientific organization, such as the National Academy of Sciences or the Federation of American Societies for Experimental Biology's Life Sciences Research Office, review the consequences of using fortified foods in the school meals program and make recommendations for their appropriate use.

Conclusion and Recommendations

SNE commends USDA for its commitment to integrating the Dietary Guidelines into its School Meals Initiative for Healthy Children. SNE does not believe, however, that the program is ready for nation-wide implementation. As an interim measure to encourage the implementation of the dietary guidelines in schools, SNE urges USDA to develop a modified meal pattern that encourages the inclusion of more fruits, vegetables, and more grain products, particularly whole grains. The demonstration project, once completed, will reveal both NSMP's strengths and weaknesses. This will give USDA an excellent opportunity to improve and refine the regulations before implementing the program nationally. Because of the shortcomings identified in this document, SNE believes it would be inappropriate to change the current school meals program before ensuring that its replacement will w[illegible]d meet its intended goals.

SNE supports USDA's commitment to nutrition education and appropriate, well-balanced meals. The benefits of classroom lessons supported by lunchroom experiences are incalculable. SNE also supports active partnerships between the public and private sectors in pursuit of better nutrition and better nutrition education in our nation's schools. SNE would welcome the opportunity to work with this Committee and USDA to develop and implement nutrition education strategies and to assist in implementing USDA's School Meals Initiative for Healthy Children.

Again, we appreciate this opportunity to address you today and welcome any questions you may have about our testimony or our views on the school meals program.

by Stanley Zloktin, MD, FRCPC, PhD
S.H. Zlotkin, M.D., Ph.D., F.R.C.P.(C)
Professor of Paediatrics and of Nutritional Sciences

Before commenting specifically on the USDA proposed rule for the National School Lunch and School Breakfast Program: Nutrition Objectives for School Meals I would like to briefly provide a background and summary of the recently deliberations of a Joint Working Group of the Canadian Paediatric Society and Health Canada on Dietary Fat and Children.

The committee reiterated the link between elevated blood lipids, especially LDL and VLDL and low HDL levels, and cardiovascular disease in adulthood. From a public health perspective it acknowledged that it is reasonable to attempt to modify these risk factor in adults. In children, however, the picture was not as clear. There were a number of unanswered questions, like:

1. Is fat intake a risk factor in childhood for the development of elevated blood lipids later in life.
2. Do elevated lipid levels track from childhood to adulthood,
3. Assuming that fat intake is a risk factor and that it tracks over time, can it be safely modified.

The Canadian "Joint Working Group" examined issues surrounding dietary fat recommendations for children from the perspective of efficacy and safety. We questioned whether intervention in childhood was likely to be effective in changing adult CVD morbidity and mortality. We attempted to determine the balance or trade off between safety and efficacy.

With regard to efficacy, we acknowledged the relationship between dietary saturated fat intake and blood cholesterol levels and the relationship between raised serum cholesterol and cardiovascular disease. However, evidence comes largely from studies carried out in adult males with hyperlipidemia. Although atherosclerosis appears to start in childhood or adolescence, extrapolation to children and adolescents of conclusions based on studies in adults is controversial. The few studies of dietary interventions to lower serum cholesterol levels in children were of short duration and yielded reductions in cholesterol of 5% or less. There were no data to demonstrate that these reductions persisted into adulthood. Very importantly, there were no controlled studies demonstrating the efficacy of a low fat diet in childhood in reducing adult cardiovascular disease and because of the logistics involved, it is unlikely that such a study will ever take place.

It has been argued that the general principle of early initiation of a reduced fat and saturated fat diet is appropriate for children. Implicit in initiating these specific dietary guidelines during childhood is the overall goal of establishing nutritional patterns in childhood, that when maintained to adulthood, will lower blood cholesterol levels of the adult population as a whole. There is, however, no evidence that changing children's current intakes to diets providing 30% of energy from fat and 10% from saturated fat would achieve this goal. Although it is a natural assumption that good foods habits started in childhood will promote good food habits during adulthood, the means by which children acquire their food preferences is complex and there is little evidence that children's food preferences remain stable over time.

The committee examined safety from a number of perspectives. One of our concerns was misapplication of a dietary message to restrict fat intake in children. We were concerned that some individuals may be overzealous in their belief that if some reduction in fat is good, then a large reduction may be better. Delayed growth and delayed puberty have been reported as consequences of the misapplication of dietary advice.

The committee noted the alarmingly high rate of anorexia nervosa among North American adolescents. Preoccupation with body image and societal preference for thinness (especially in females) can result in restrictive eating patterns and inadequate energy and nutrient intakes. The committee concluded that further emphasis on restricting a specific nutrient intake during childhood (ie restricting fat intake) may subtly reinforce this predilection for restricted intake, making the problem of anorexia even worse.

Finally, there is a real potential for habitual low fat intakes to result in inappropriate food patterns that compromise nutritional food adequacy. The committee recognized the high needs for energy and nutrients and the wide variability of these needs in individual children to support the normal rapid growth of children and adolescents. Particular attention must be payed to the diets of children who are consuming reduced fat diets to assure adequate intakes of energy and essential nutrients. When children are put on lower fat diets, it is recommended that the deficit in energy resulting from the lower fat diet intake be made up by an increased intake of cereal products, breads, fruits and vegetables. However, children will often find this increased demand for high carbohydrate containing foods impossible to achieve. The results will be decreased energy intake (resulting in delayed growth or children not meeting their genetic potential for growth) and inadequate nutrient intake (specifically iron, calcium, other minerals, riboflavin and vitamin A). Dietary inadequacies have been reported in the literature even when dietary changes were supervised and even when subjects had above average nutrition knowledge. The committee felt that the provision of adequate energy and nutrients to ensure growth and development was the most important consideration in nutrition of children.

The two criteria considered essential in making our recommendations were efficacy and safety. The estimated benefits of a restricted fat intake were weighed against the anticipated risks. In view of the following considerations, that:

- there is no evidence that implementation of a diet providing 30% of energy as fat and 10% of energy as saturated fat in children would reduce illness in later life or provide benefit for children as children;

-that there is the potential for inadequate energy and specific nutrient intake on a lower fat diet;

-and that there is potential for emphasizing an already significant preoccupation with food restriction in adolescent females;

We concluded, in part that:

1. Providing adequate energy and nutrients to ensure adequate growth and development is the most important consideration in the nutrition of children.

2. During the preschool and childhood years, nutritious food choices should not be eliminated or restricted because of fat content. During early adolescence, an energy intake adequate to sustain growth should be emphasized, with a gradual lowering of fat intake. Once linear growth has stopped, fat intake as currently recommended (30% total fat; 10% saturated fat) is appropriate.

I would like to make a brief comment on the USDA proposed rule for the National School Lunch and School Breakfast Program: Nutrition Objectives for School Meals from the perspective of the Canadian Recommendations on Dietary Fat and Children.

From the perspective of efficacy, there is no support from the current medical literature of studies on the topic that changes in total or saturated fat intake that may result from the Breakfast-Lunch Program will either improve the health of the children in the programs or improve the health of these individuals when they become adults. There is also a lack of documentation that changes in total or saturated fat from a single meal (breakfast or lunch) will influence total daily (or weekly) total or saturated fat intake. Finally, there is no documentation that changing the fat content of children's meals will influence their current or later food habits. Thus from the perspective of efficacy, the proposed changes to the Breakfast/Lunch program may not achieve the stated goal of "disease prevention or long term health promotion".

From the perspective of safety, it is unlikely that a change in the fat content of a single meal will adversely affect total energy or nutrient intake. Changes in habitual intake, however, will increase risk. For adolescent females who may already be at risk of anorexia nervosa and inappropriate food restriction, a further emphasis on nutrient restriction may increase the prevalence of this serious disorder.

Thank you for your attention.

(Attachment follows:)

Nutrition Recommendations Update... Dietary Fat and Children

Report of the Joint Working Group of the Canadian Paediatric Society and Health Canada

This report was developed in collaboration with the Canadian Paediatric Society.

Canadian Paediatric Society

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Preface

It is well recognized that good nutrition is essential to normal growth and development during childhood and central to establishing the foundation for lifelong health.

The Nutrition Recommendations for Canadians issued in 1990 describe characteristics of the diet recommended for healthy Canadians over the age of two years. They were intended to provide guidance in the selection of a dietary pattern that supplies recommended amounts of essential nutrients while reducing the risk of nutrition-related chronic diseases.

This Report re-examines issues related to dietary fat and children. It concludes that during childhood, emphasis should be placed on diets which provide adequate energy, and eating patterns which emphasize variety and complex carbohydrate and include lower fat foods. Childhood is characterized by marked individuality in growth patterns and energy needs. While the same pattern of eating is recommended for all members of the family, meeting children's energy requirements is a priority. To help meet these requirements, children need more flexibility in their fat intake.

This work was undertaken in collaboration with the Canadian Paediatric Society. It was supported by the Brighter Futures Program. Brighter Futures is dedicated to activities aimed at improving the lives of children.

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Summary

The Nutrition Recommendations for Canadians recommend the consumption, by healthy individuals over the age of two years, of a diet providing no more than 30% of energy as fat and no more than 10% of energy as saturated fat. This recommendation, which was based on evidence from the adult literature, required clarification regarding its application to growing children over the age of two years. This led Health Canada, in consultation with the Canadian Paediatric Society, to establish a Working Group to examine issues surrounding dietary fat recommendations for children.

The Working Group weighed information on nutritional needs for growth and development with evidence linking diet and adult-onset disease. Both efficacy and safety were considered to be important criteria in establishing a recommendation. The Working Group examined the following issues: the effectiveness of a childhood diet providing 30% of energy as fat and 10% of energy as saturated fat (the Recommended Diet) in lowering cholesterol levels in children and in reducing risk of coronary heart disease in adulthood; developmental considerations regarding children and dietary fat; the feasibility of designing a nutritionally adequate 30:10 diet for children; current levels of fat and saturated fat in children's diets, and the adequacy of energy and nutrient intakes of children who consume this recommended diet.

The Working Group concluded that:

1. Providing adequate energy and nutrients to ensure adequate growth and development remains the most important consideration in the nutrition of children. Small frequent feedings play a significant role in providing energy in the diets of children.
2. During the preschool and childhood years nutritious food choices should not be eliminated or restricted because of fat content. During early adolescence an energy intake adequate to sustain growth should be emphasized with a gradual lowering of fat intake. Once linear growth has stopped, fat intake as currently recommended is appropriate.
3. Food patterns which emphasize variety, complex carbohydrate and include lower fat choices are appropriate and desirable for children.
4. Physical activity and healthy eating are important lifestyle habits for children.

The Working Group made the following recommendation:

From the age of two until the end of linear growth, there should be a transition from the high fat diet of infancy to a diet which includes no more than 30% of energy as fat and no more than 10% of energy as saturated fat.

During this transition, energy intake should be sufficient to achieve normal growth and development. Food patterns should emphasize variety and complex carbohydrate, and include lower fat foods. Physical activity should be stressed.

(The complete report is held in the committee files.)

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THE PRESIDENT'S COUNCIL
ON PHYSICAL FITNESS
AND SPORTS

TESTIMONY OF DEBORAH SLANER LARKIN

COUNCIL MEMBER, PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

Before the

Department Operations and Nutrition Subcommittee

of the House Agriculture Committee

Review of proposed USDA rule "Nutrition Objectives for School and Meals"

WEDNESDAY, SEPTEMBER 7, 1994 – 2:00 PM

1300 LONGWORTH HOUSE OFFICE BUILDING

Mr. Chairman and members of the committee, I am Deborah Slaner Larkin, member of the President's Council on Physical Fitness and Sports. Previously, I served for six years as Executive Director of the Women's Sports Foundation, a non-profit, educational organization that provides educational information about the importance of sports for girls and promotes participatory opportunities for all females.

Thank you for the opportunity to testify today on behalf of the President's Council on Physical Fitness and Sports. It is an honor to appear before this subcommittee to discuss the relationship of physical fitness and nutrition for children.

The President's Council on Physical Fitness and Sports serves as a catalyst to promote, encourage and motivate the development of physical fitness and sports participation for all Americans of all ages. It was established in 1956 by executive order and is made up of twenty members appointed by the president.

It is a program office of the Department of Health and Human Services. It reports to the Office of the Surgeon General, and is assisted by elements of the U.S. Public Health Service. The President's Council provides guidance to the president and the Secretary of Health and Human Services on ways to encourage more Americans to become physically active, and as a result, healthier.

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As the only federal agency solely devoted to sports and physical fitness, the President's Council is acutely interested in these hearings regarding proposed nutrition regulations. A child cannot develop a healthy, physically fit body through physical activity and exercise alone. Without the daily foundation of a balanced, nutritious, and healthy diet, the physically active body has nothing to build upon.

I am before you to report on the value of participating in sports and fitness activities, its relationship to good nutrition and the current role of physical activity in the lives of our children.

Importance of Physical Activity

- Healthy People 2000–National Health Promotion and Disease Prevention Objectives states that evidence of the multiple health benefits of regular physical activity continues to mount. Regular physical activity can help to prevent and manage coronary heart disease, hypertension, noninsulin-dependent diabetes mellitus, osteoporosis, obesity, and mental health problems (e.g., depression, anxiety) (Journal of American Medical Association 261:3590-3598, 1989). Regular physical activity has also been associated with lower rates of colon cancer (American Journal of Clinical Nutrition, 49:999-1006, 1989) and stroke (American Journal of Epidemiology 115:526-537, 1982) and may be linked to reduced back injury (Journal of Occupational Medicine 231:269-272, 1979). On average, physically active people outlive those who are inactive (New England Journal of Medicine 314:605-613, 1986).

- Physical activity produces hormones in the body, called endorphins, which lower stress and reduce the incidence of heart attacks. Because coronary heart disease is the leading cause of death and disability in the United States, the potential role of physical activity in preventing coronary heart disease is of particular importance. Physically inactive people are twice as likely to develop coronary heart disease as people who engage in regular physical activity (Annual Review of Public Health, 8:253-287, 1987).

- As little as two hours of exercise a week may lower a teenage girl's lifelong risk of breast cancer, a disease that will afflict one out of every eight American women (USA Today, 6/30/87).

- Children who play sports and participate in regular exercise have higher levels of self esteem and lower levels of depression (Bernard R. Cahill, M.D., "Proceedings of the Conference on Strength Training and the Prepubescent," American Orthopaedic Society for Sports Medicine, 1988). Girls and young women who have low levels of self-confidence and self-esteem are more likely to get pregnant (NY Newsday 2/13/89).

- Teenagers who play sports have lower dropout rates in school, try to commit suicide less often, get pregnant less often and generally exhibit less delinquent behavior.

- In high school, caucasian, African-American and Hispanic athletes score as well or better on their grades and achievement tests than non-athletes (The Women's Sports Foundation Report: Minorities in Sport, 1989).

- Findings from the National Children and Youth Fitness Studies I and II suggest that the quantity, and in particular the quality, of school physical education programs have a significant positive effect on the health-related fitness of children and youth. In addition, recent reports suggest that physical education programs in early childhood not only promote health and well-being, but also contribute to academic achievement (U. S. Dept. of Education, 1986).

- Sports is where we have traditionally learned about teamwork, goal-setting, the pursuit of excellence in performance and other achievement-oriented behaviors – critical skills necessary for success in the workplace.

- If a child does not participate in sports by the age of 10, there is only a 10 percent chance she will participate when they are 25 (Linda Bunker, University of Virginia, 1989).

- 87% of parents accept the idea that sports participation is important for their children (The Wilson Report, 1987).

- The primary reason children participate in sports is because it is fun (The Wilson Report, 1987).

The Current Role of Physical Activity in the Lives of Our Children

While most people know, and many of us espouse the benefits of exercise and physical activity, too many Americans of all ages still find reasons not to be physically active.

- 43 percent of Americans fall under the term "couch potato."

- Children in the United States are fatter, slower and weaker than children in developed nations.

- Levels of obesity among children and adolescents have risen an average of about 45 percent between 1960 and the early 1980s. A general decline in physical activity was cited as one of the primary reasons (Steven Gortmaker, Harvard U., speech at American Dietetic Assn. meeting).

- From 1980 – 1987, 71 percent of children failed to meet the standard for "average healthy youngsters."

- Half of all children K-12 show at least one factor for heart disease. This is important because it's putting themselves at risk of developing diseases associated with a sedentary lifestyle.

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- Children are more likely to participate and maintain their participation in sports if one or both parents also participate in sports or fitness activities (The Wilson Report, 1987), yet a national survey of American Attitudes Toward Physical Activity and Fitness indicates that among less active adults who would like to participate and have the opportunity, 74% are either Not likely or Somewhat Likely to increase their physical activity in the near future. 64 percent say they would be more likely to participate if they had someone, like a family member, to exercise with.

Relationship to Nutrition

I am not a nutritionist by profession. My knowledge is based on research relating to female athletes and how the combination of nutrition and physical activity is beneficial. However, I was taught from a young age how important good nutrition and physical activity are in developing and maintaining sound minds and bodies. Yet, what I was taught and the messages people receive are not always consistent.

The message that the ideal woman should be thin is contrary to common sense and good health. Being as thin as one thinks he or she should be can severely damage one's physical and mental health.

- The Female Athlete Triad: "Disordered Eating, Amenorrhea and Osteoporosis" is a term to-describe three interrelated problems than can cause long-term health problems in female athletes. Treatment often requires a team of health-care providers including a physician, psychologist and a nutritionist (NCAA News, 1994).

- 62 percent of female athletes participating in certain sports may suffer some type of disordered eating, which can range from the use of laxatives and diuretics to life-threatening anorexia nervosa or bulimia.

- A female athlete is more likely to seek medical help if risks from inadequate calcium, poor nutrition and amenorrhea are explained in a non-judgmental manner. Binging or purging is not the problem. What causes the problem is if a young person is dissatisfied with her body image. Sixty percent of those afflicted with eating disorders will recover from the disease. The younger the child with the problem, the better the recovery.

- Amenorrhea or irregular menstrual cycles are associated with low reproduction hormone levels and, left alone or combined with poor nutrition, can lead to inadequate bone structure. Scientists have seen amenorrheic 20-year olds with osteoporotic bones similar to those found in their 70-year-old grandmothers. The osteoporotic bones may predispose women to spine, wrist and hip fractures later in life.

- One out of every four women over the age of 60 is suffering from Osteoporosis (loss of bone mass). This is an $18 billion cost (National Osteoporosis Foundation, 1992). There is substantial evidence that weight-bearing exercises (e.g., walking) and improved nutrition are necessary to laying down bone mass (Nutrition Action, June 12, 1982).
- High school principals place physical fitness last on their list of ten goals for education (National Association of Secondary School Principals, 1990). Yet their second goal is developing a good self-image. Athletes, especially female athletes have a more positive body image than do female non-athletes, and body image is particularly important to self image during the adolescent years (Snyder & Kilven, 1975).
- Healthy People 2000 Objectives (1.7) wants to increase to at least 50 percent the proportion of overweight people aged 12 and older who have adopted sound dietary practices combined with regular physical activity to attain an appropriate body weight. The results of weight loss programs focused on dietary restrictions alone have not been encouraging. Physical activity burns calories, increases the proportion of lean to fat body mass, and raises the metabolic rate. Therefore, a combination of both caloric control and increased physical activity is important for attaining a healthy body weight.
- A 45-year old black woman is twice as likely to be overweight as a white woman the same age and 20 percent less likely to exercise regularly because exercise is viewed by many blacks as a luxury they don't have time for. Compared to white Americans, African-Americans under the age of 64 are 10 percent more likely to get heart disease, 30 percent more likely to have diabetes, and over 50 percent more likely to suffer from hypertension (Shea, Sarah, Walking, p. 9).

Thank you for giving the President's Council on Physical Fitness and Sports the opportunity to share the concerns and act upon the opportunities we all have to improve the overall health and nutrition of our youth.

Statement of Judi Adams
President
Wheat Foods Council

Mr. Chairman and Members of the subcommittee:

Thank you for the opportunity to testify on the U.S. Department of Agriculture's proposed rule to modernize nutrition objectives for school meals. I'm Judi Adams, President of the Wheat Foods Council. The Wheat Foods Council is a non-profit nutrition education organization supported by farmer-funded state wheat commissions, milling companies and baking companies, as well as a number of pasta, cracker and cereal manufacturers.

Our members include: Colorado Wheat Administrative Committee, Idaho Wheat Commission, Kansas Wheat Commission, Maryland Grain Producers Utilization Board, Minnesota Wheat Research & Promotion Council, Montana Wheat & Barley Committee, Nebraska Wheat Board, North Carolina Small Grain Growers, North Dakota Wheat Commission, Oklahoma Wheat Commission, South Dakota Wheat Commission, Texas Wheat Producer Board, Virginia Small Grains Board, Washington Wheat Commission, Wyoming Wheat Marketing Commission, ADM Milling Company, American Bakers Association, American Institute of Baking, Campbell Taggart, Cargill Inc., Cereal Food Processors, ConAgra, General Mills Inc., Hershey Pasta Group, Independent Bakers Association, The Kellogg Company, Metz Baking Company, Millers' National Federation, Nabisco Biscuit Company, National Pasta Association and The Quaker Oats Company.

The Wheat Foods Council's charter is to teach Americans improved nutrition through increased consumption of grain foods in accordance with the federal Dietary Guidelines and Food Guide Pyramid.

We're committed to healthier Americans and we applaud USDA's work to improve the nutritional quality of meals served in the national school lunch and school breakfast programs. This is a significant undertaking and challenge. As several studies have shown, school meals are similar in nutritional balance and content to meals eaten by all Americans: i.e., characterized by a diet that is deficient in consumption of complex carbohydrates and fiber, and which contains excessive amounts of fat. By offering tasty, affordable and nutritionally balanced meals at schools, we are confident that school food service programs can serve as a model to help improve the eating habits, and ultimately the health, of all Americans.

We are pleased by the proposed rule's emphasis on the scientifically based U.S. Dietary Guidelines published nearly four years ago. By implementing the dietary guidelines, we can assure that school meals provide our children with a variety of foods, with meals that are low in cholesterol and have no more than 30 percent of calories from fat, and with plenty of vegetables, fruits and grains.

Clearly it is time for school meal programs to be updated. We are not yet convinced, however, that changing to an untested nutrient standards approach is necessary. In our view, the approach warrants further study before widespread implementation.

While a Nutrient Standard Menu Planning (NSMP) approach, as outlined in Section 210.10, may provide meals with exacting nutrition, it could jeopardize menu variety and balance -- and misses a valuable educational opportunity. By focusing on serving *nutrients* (especially if overly fortified foods are used) instead of *foods*, children will not learn how to plan their own meals using the "variety of foods" approach of the USDA's Food Guide Pyramid. While we're feasting on statistics, people may be left starving for practical information.

To improve the proposal, we recommend that USDA immediately update meal patterns in accordance with the U.S. Dietary Guidelines of 1990 and incorporate these patterns in the proposed rule. Meal patterns have long been the practical template for balancing school meals, however, the program is still operating with meal patterns that reflect old nutritional information. By updating meal patterns in accordance with the dietary guidelines, school meals could more closely reflect the recommendations of the Food Guide Pyramid. Updating meal patterns will do two things:

- First, updated meal patterns would provide guidance to the thousands of food service officials who want to make changes *immediately*. (Nutrient standards could remain an option for those schools that have computer food analysis systems and the expertise to use them.)
- Secondly, updated meal patterns would provide time to complete and evaluate the pilot studies contained in the USDA proposal to see if the Nutrient Standards Menu Plan approach is a practical and effective means of improving the nutritional quality of school meals.

In short, we don't know if the nutrient standard approach will work --will it provide sufficient guidance and flexibility to school food service directors and will it produce meals that kids want to eat? The pilot studies should answer those questions. In the meantime, we think it would be wise to improve the program immediately through updated meal patterns.

If a nutrient standards menu plan is deemed the best way to optimize the nutritional content of school meals, we need to pay very careful attention to the specific nutrient goals established in such an approach.

The current proposal requires school food authorities to ensure that their meal program meets quantifiable targets of (1) total fat content limited to no more than 30 percent, (2) saturated fat limited to no more than 10 percent, and (3) one-third of the U.S. Recommended Daily Allowances (RDA) of protein, calcium, iron, vitamin A and vitamin C. While this section also references the requirement to "choose a diet with plenty of vegetables, fruits and grain products," there is no definition of what that means in terms of a quantifiable level of consumption of fiber and nutrients associated with these foods.

Goals for complex carbohydrates, fiber and B-vitamins are necessary to help USDA assure that future school meals follow U.S. Dietary Guidelines. USDA's own study on the impact of nutrient standards included a requirement that not less than 50 percent of calories come from carbohydrates. Yet there is no such standard in the proposed rule.

Absent a carbohydrate requirement in the proposed rule, there are risks in replacing the traditional meal pattern approach with an exclusive nutrient standards approach. Because of the proposal's total caloric emphasis on protein and fat, there is no guarantee that school children will receive meals that contain adequate levels of carbohydrates and fiber. A super-fortified high protein food bar, for example, could replace traditional foods in achieving nutrient goals. Short of that, a typical lunch that would meet the nutrient standards could be comprised of three slices of cheese pizza, eight ounces of skim milk and a vitamin C-fortified frozen fruit-flavored bar. Such a menu would be short on fiber and complex carbohydrates and have no fruits or vegetables.

Finally, with respect to the National Nutrient Database to be compiled as part of the Nutrient Standard Menu Planning proposal, we urge USDA to accept, where appropriate, the nutrient analysis of a food product which was recently revised to comply with the regulations of the Nutrition Labeling and Education Act (NLEA) of 1990. We see no value in forcing companies to incur additional expense to conduct another nutrient analysis for foods offered in the school meal programs if such an analysis has recently been completed to comply with the NLEA.

In summary, we believe the department's first step should be to update the meal pattern requirements. If that doesn't optimize school meals, then let's introduce nutrient standards -- including goals for fiber, carbohydrates and B-vitamins.

Again, we commend USDA, and Assistant Secretary Ellen Haas, for proposing changes in the national school lunch and school breakfast programs in an attempt to improve the nutritional quality and health of America's children. We look forward to working with the department on our concerns and to the implementation of changes that will truly produce an improved school meal program.

Statement of

Mr. Tom Stenzel, President

United Fresh Fruit and Vegetable Association

Mr. Chairman and members of the Subcommittee, my name is Tom Stenzel, President of the United Fresh Fruit and Vegetable Association (United). It is my pleasure to address the topics of the National School Lunch Program and School Breakfast Program and the Department's recent proposal to upgrade the nutrition quality of these two programs.

United is an international trade association representing the fresh produce industry. Our members include grower/shippers, brokers, truckers and other transportation specialists, wholesalers, foodservice distributors and operators, retailers and allied suppliers. We represent 1,800 members of the fresh fruit and vegetable industry, an industry with a value of over $60 billion at retail.

The U.S. Department of Agriculture bears an enormous responsibility for the health and well being of our nation's children through the administration of the National School Breakfast Program and School Lunch Program. These programs respectively serve 5.4 million and 25 million children daily. For many of our nation's most nutritionally vulnerable children the breakfast and lunch programs provide the greatest opportunity to good health through sound, wholesome diets.

Unfortunately, not only are these programs delivering nutritionally inadequate meals to children they fail to set the example that sound dietary decisions will lead to lasting good health. In the preamble to the proposal, the Department referenced the findings of the School Nutrition Dietary Assessment (SNDA) Study noting that, "children who ate the school lunch consumed a significantly higher amount of calories from fat than children who brought their lunch from home or obtained a lunch from vending machines or elsewhere at school. Further the report showed that virtually no schools were in compliance with Dietary Guidelines." Obviously our nation's most valuable resource, our children, deserve better from such publicly funded efforts as the school breakfast and lunch programs.

United strongly supports the intent of the Department to upgrade the nutrition standards of the national school breakfast and lunch programs, by bringing these very important meals into conformity with the Dietary Guidelines for Americans. We believe the proposed Nutrient Standard Menu Planning (NSMP) approach to menu planning for school meals is philosophically sound in its focus on nutrient standards, rather than food type.

The flexibility in menu planning offered by NSMP, constrained only by the Dietary Guidelines, makes a great deal of sense. The goals of limiting fat and saturated fat intake and assuring adequate consumption of vitamins A and C, iron and calcium are laudable and must be implemented with haste. The Department's intent to accomplish these goals through restricted intakes of high fat foods and greater consumption, where needed, of grains, fruits and vegetables makes good sense. However, we must offer a cautionary note that this outcome is not certain.

We are concerned that the lack of emphasis on foods or food groups, combined with the typical resource constraints confronting school foodservice operators, may result in the preparation of menus that utilize empty calories in order to satisfy the 30% and 10% caloric fat intake requirements; and an increase in the use of fortified foods to meet the RDA requirements for vitamins A and C. Obviously, such outcomes would defeat the express purpose of educating students in making sound dietary choices through the offering of healthful menus.

Furthermore, we are very concerned that the lack of a detailed policy on fortification may result in the extensive use of highly formulated, fortified food products--poorly serving the purposes of the proposed regulation.

The Department's proposal does not require school food authorities to distinguish between naturally occurring nutrients and those that are added through fortification. The Department indicates a commitment to the principle that a variety of "conventional" foods should constitute the primary vehicle for nutrients, rather than a reliance upon formulated fortified foods. However, in the absence of a clear policy with regulatory weight, the hope that schools will rely upon "conventional" foods for the delivery of essential nutrients may develop unevenly. Leaving many children ill served.

The Department aptly notes in its proposal that, ". . . eating habits are firmly established by age 12, [and] it is essential that dietary patterns be formed early. What children eat helps determine not only how healthy they are as children, but how healthy they will be as adults." A failure to clearly articulate a fortification policy would undermine the value of the School Meals Initiative for Healthy Children.

Simply stated, fortified foods can not be expected to deliver the same quality of nutrients and health benefits as conventional foods like fresh fruits and vegetables. The extent of fortification by food processors within food categories is inconsistent, so a reliance by schools upon formulated fortified foods will leave children ill prepared to make sound dietary decisions once leaving the school: different brands of breakfast foods, juices, etc. are fortified at

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varying rates and some are not fortified at all. Similarly, the fortified food product used in school may have no relevance in the commercial marketplace.

Several highly publicized studies during the last year questioned the value of supplementation with vitamins A and C to reduce the risks of cancer. One such study, sponsored by the National Cancer Institute, indicated that vitamin E and beta carotene (a precursor to vitamin A) supplements did not prevent lung cancer in a group of male cigarette smokers. In fact, this study indicated a significantly higher rates of lung cancer and mortality among those taking beta carotene supplements, than those who did not.

Conversely, additional studies indicate that compounds found naturally in broccoli, such as isothiocynates, which includes sulforaphanes, provide the greatest anti-cancer fighting benefit.

Scientific efforts to isolate the health benefits of specific nutrients is wrought with conflicting results. However, it apparent that it is increasingly difficult to prove any narrow group of ingredients in food, such as vitamins, fiber or antioxidant enzymes, can--by themselves--prevent cancer. In some instances fortification can play an important role in maintaining good health. Supplementation of calcium can help prevent the onset of osteoporosis and the U.S. Food and Drug Administration (FDA) approved the claim this year that folic acid can prevent a significant number of neural tube spinal defects in infants. However, food technology has not advanced to the point where fortified foods can replicate the nutrient profile of fresh fruits and vegetables or deliver the same benefits to long term good health.

As mentioned earlier, dietary habits are formed early in life, making the school breakfast and lunch experiences critical to the formation of sound eating habits in our children. Yet, reliance upon fortified foods would not serve this purpose very well. The benefits of serving vitally needed nutrients through foods that are inherently without nutritive value will, at most, be fleeting. More importantly, the use of fortified food products can not educate children as to the importance of eating a variety of foods for good health.

A discriminatory treatment of fortified foods is sound policy and has been incorporated by FDA into our nation's nutritional food labeling regulations. Under FDA regulations, a food other than a dietary supplement not in conventional food form is prohibited from bearing any health claims unless it provides at least 10% of the Reference Daily Intake or Daily Reference Value for vitamin A, vitamin C, iron, calcium, protein, or fiber per reference amount prior to any nutrient addition.

This specific restriction against health claims, the so-called "jelly bean rule," operates to bar certain foods from bearing health claims even though the claim may be truthful and non misleading. The public health rationale behind such a rule is clear; government policy should not approve of the use of inducements, predicated upon claims of healthfulness, for the purchase and consumption of food products inherently devoid of nutrients.

Likewise, the Department should not permit school foodservice operators to over rely upon fortified foods in order to satisfy nutrient standard requirements. We strongly believe the manner in which the Department addresses the fortification issue will determine the success or failure of the school breakfast and lunch programs as tools to educate children on better health through sound dietary choices.

Congress made clear through the Child Nutrition Act that nutrition and information education programs should be a multi-disciplinary effort:

> "by which scientifically valid information about foods and nutrients is imparted in a manner that individuals receiving such information will understand the principles of nutrition and seek to maximize their well being through food consumption practices. Nutrition education programs shall include, but not be limited to, (A) instructing students with regard to nutritional value of foods and the relationship between food and human health. . . ."

The comprehensive view of educating our children on the importance of good nutrition through good dietary practices must include a sound policy on fortification. The potential inconsistency is glaring, if schools teach our children in the classroom that diets high in grains, fruits and vegetables lead to good health, but in the dining hall serve children fortified food products in order to comply with the technical requirements of the Department's regulations.

We suggest the Department discount any contribution by fortified food products towards the nutrient standards established for vitamin A and vitamin C, if such fortified foods do not contain at least 10% of the RDI of either vitamin. The intent of such a restriction should be to encourage schools to serve those food products that contain naturally high levels of vitamins A and C.

Numerous choices exist. For example, the following foods contain high levels of beta carotene--carrots, sweet potato, squash, cantaloupe, cauliflower, [illegible] diverse number of choices exist for vitamin C--oranges, broccoli (also a good source of beta carotene), kiwi, red and green peppers, turnip greens, strawberries, and cantaloupe.

We commend the Department's efforts to upgrade the nutritional status of our nation's school breakfast and lunch programs. Unquestionably, there exists a strong association between diet and health, and the Department's initiative represents a comprehensive and earnest move forward towards providing our nation's children the healthful meals they deserve.

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Testimony

on behalf of the

NATIONAL CATTLEMEN'S ASSOCIATION

in regard to

School Lunch Meals Initiative for Healthy Children

submitted to

United States House of Representatives
Committee on Agriculture
Department Operations and Nutrition Subcommittee

submitted by

Sheri Spader
Chairman, Food Policy
National Cattlemen's Association

September 7, 1994

The National Cattlemen's Association is the national spokesman for all segments of the beef cattle industry -- including cattle breeders, producers, and feeders. The NCA represents approximately 230,000 cattlemen. Membership includes individual members as well as 75 affiliated state cattle associations and national beef breed organizations.

Good afternoon. Thank you Mr. Chairman and members of the subcommittee for the opportunity to speak with you today. My name is Sheri Spader. I am a cattlewoman from Rosedale, Missouri, a mother of three and a volunteer for the National Cattlemen's Association.

Cattle producers, many of whom are or have been parents of children who participate in the National School Lunch Program, have long been committed to providing good nutrition for the nation's children. Since the onset of the National School Lunch Program, beef has provided much of the needed protein, iron, zinc, and B vitamins for children who were otherwise not getting adequate nutrients. In addition, the beef industry has been actively committed to making our commodity lower in fat. As health officials have recommended decreasing fat in the diet, the cattle industry has responded. Cattle producers have worked, and are continuing to work, to lower fat in today's beef. In fact, since the early eighties, beef producers, in conjunction with packers and retailers, have reduced the overall fat by 27% in the retail case. Also, through the industry checkoff program, the beef industry has funded research to develop and test market a ground beef patty with only 10% fat. Lowfat beef patties now make up a large portion of beef patties purchased by the National School Lunch Program.

With such progress being made, Mr. Chairman, we are greatly concerned that there remains the idea that if red meat is greatly reduced or eliminated in the school lunch program, the fat content will be sufficiently reduced. In fact, beef/red meat is not the number one contributor of fat to the diet. USDA's 1987-1988 Nationwide Food Consumption Survey data show that beef contributes only about 9% of total fat in the diets of 1-10 year olds, and about 12% of the total fat in the diets of 11-18 year olds. Approximately 90% of the fat in the diets of the nation's children is coming from sources other than beef/red meat. It should also be noted that while fat from beef intake has gone down over the years, total fat intake has gone up.

To overcome these myths, NCA supports providing this information through educational programs for school food service personnel, parents, and children. NCA believes that producer groups and USDA can work together to educate school personnel, parents and children that giving up meat does not equal a sufficiently low fat, healthy, well-balanced diet. In addition, NCA supports nutrition education that is based on sound science. Such education shows that there are various ways to consume a healthy diet, including a diet that includes meat.

The beef industry has been a leader in developing a program that meets the Dietary Guidelines and educates all involved toward healthier eating. As one of the most promising and effective programs to reduce fat and sodium in school lunch programs, LUNCHPOWER! was developed by the University of Minnesota in conjunction with the Beef Industry Council. LUNCHPOWER! was implemented in thirty-four elementary schools in Minnesota. In addition to menu planning and food purchasing to reduce the fat and sodium content, familiar recipes were modified to produce lower fat and sodium items that remain highly acceptable to students. For example, the cooks drain and rinse ground meat used in tacos, resulting in a popular entree item that is on average 9g lower in fat than the unmodified product. Evaluation results of the program have shown that there were significant decreases in both total grams of fat and the percentage of energy from fat. When comparing baseline and follow up data, the percentage of energy from fat in the diet decreased from 40% to 28%. Furthermore, these lower-sodium and lower-fat meals were convenient for the schools and student participation in the lunch programs was maintained. LUNCHPOWER! has been shown to work and has proven effective. There are virtually no added costs, food service personnel like it, children like the food, and it allows for a variety of foods--as is recommended by the Dietary Guidelines.

In summary, National Cattlemen's Association supports, as always, nutrition recommendations based on sound-scientific principles, with accurate interpretation and communication with the public. Narrowly focused attention on fat in the diets of children, rather than an overall healthy diet, can lead to less than desirable outcomes such as increased incidence of eating disorders among teenagers, greater incidence of osteoporosis, lethargy, developmental disorders, etc. Careful monitoring systems, with scientifically valid measurement tools, must be put in place to track and measure the effects of such changes in the diets of children.

NCA looks forward to working with the Committee and the Department as recommendations for changing the National School Lunch Program are finalized.

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Comments

on behalf of the

NATIONAL CATTLEMEN'S ASSOCIATION

in regard to

National School Lunch Program and School Breakfast Program: Nutrition Objectives for School Meals

submitted to

United States Department of Agriculture
Child Nutrition Division
Food and Nutrition Service

submitted by

Elizabeth Johnson, M.S., R.D.
Manager, Food Policy
National Cattlemen's Association

September 8, 1994

The National Cattlemen's Association is the national spokesman for all segments of the beef cattle industry -- including cattle breeders, producers, and feeders. The NCA represents approximately 230,000 cattlemen. Membership includes individual members as well as 75 affiliated state cattle associations and national breed associations.

The National Cattlemen's Association is pleased to submit comments in response to the USDA proposal on School Lunch Meals Initiative for Healthy Children regulations published June 10, 1994. Because food production is the base for nutrition and food policy, policy changes in school meal programs are very important to the National Cattlemen's Association.

Cattle producers, many of whom are, or have been, parents of children who participate in the National School Lunch Program, have long been committed to providing good nutrition for the nation's children. Since the onset of the National School Lunch Program, beef has provided much needed protein, iron, zinc, and B vitamins for children who were not getting adequate nutrients otherwise. In addition, the beef industry has been actively involved in making the commodities lower in fat. As health officials have recommended decreasing fat in the diet, the cattle industry has responded. Cattle producers have worked, and are continuing to work diligently to lower fat in today's beef. In fact since the early eighties, beef producers, in conjunction with packers and retailers, have reduced the overall fat by 27% in the retail case. In addition, through the industry checkoff program, the beef industry has funded research to develop and test market a ground beef patty with only 10% fat. It should be noted that 10% fat is less than the much acclaimed burgers from other species. Low fat beef patties now make up a large portion of beef patties purchased by the National School Lunch Program.

As producers have turned their attention to decreasing fat, they have not neglected palatability. Aside from the nutritional qualities of beef, taste and texture are crucial elements we must consider. Comments have come into the beef industry from parents and children alike, stating that children like beef, including today's lowfat options. Furthermore, they have commented that they are NOT looking for smaller servings of meat on the school lunch menus.

As stated above, food production is the key to nutrition and food policy. Therefore, producers must be key players in nutrition and food policy. The beef industry has long provided commodities for the school meals programs. These commodities have played a large role in meeting the Recommended Daily Allowances (RDAs) while keeping costs down.

The National School Lunch Program's Contribution to the Diets of Children.

As repeatedly noted, the National School Lunch Program makes an important contribution to nearly 25 million school age children, over half of whom are low income. For many of these children, the school lunch is the only meal the child receives all day. Therefore, it is especially important for these children to obtain the nutritional needs for adequate growth and development, as well as reduce the risk of chronic disease. In addition, it is very important that these low-income school children are not deprived of important meals and nutrients due to the school dropping out of the program. Because

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school meals are still voluntary in the vast majority of states and schools, there is concern that regulations have the potential to discourage schools from participating in the child nutrition programs.

The National School Lunch Program and the Dietary Guidelines

The National School Lunch Program is currently required to meet one third of the RDAs for certain vitamins and minerals, as well as protein and energy. Although there is concern about dietary excesses in the diets, there is no disagreement among health authorities and scientific experts that these recommendations for protein, energy, vitamins and minerals are vital for proper growth and development. A recent report from Tufts University School of Nutrition points out that, "even moderate undernutrition, the type seen most frequently in the United States, can have long lasting effects on the cognitive development of children. Inadequate nutrition is a major cause of impaired cognitive development, and is associated with increased educational failure among impoverished children. While this relationship is recognized by child development specialists, educators, and nutritionists, it is not well known among the general public." (Note: the general public is cited as a source of comment throughout the proposal.) "Neither have recent findings about this relationship been incorporated adequately into the nation's public policies."

For the above reasons, NCA does not support that the Dietary Guidelines, as stated in the proposal, serve as "the basis or 'cornerstone' for nutrition standards for school meals." Although NCA **supports** Dietary Guidelines, we cannot support that they be used as the base. Instead, NCA **supports** that the basis for nutrition standards for school meals be the RDA requirements, with Dietary Guidelines as a secondary goal.

Along with supporting the Dietary Guidelines, NCA **supports** all parts of the Dietary Guidelines equally. At no point do the Dietary Guidelines emphasize the fat recommendations over the others. Compliance should be monitored ensuring that a variety of foods are offered to children, a healthy weight is maintained, menus have an average of 30% total fat and 10% saturated fat, menus offer adequate vegetables, fruits and grains, and use sodium and sugar in moderation. Scientific data does not support a reduction in fat below 30% for growing children; NCA does not support a reduction in fat below 30%, nor does NCA support Dietary Guidelines applied per food (commodity) or per meal, as this is not the intent of the USDA/DHHS Dietary Guidelines. Recent research and recommendations from the Canadian Pediatric Society question the need to lower fat to 30% of total calories in children's diets. This information should be fairly and critically reviewed before USDA makes a decision on a final rule on school lunch.

Although information on the nutrient intake of young children and adolescents is not abundant, nor as complete as information for older age groups, studies have shown that certain nutrients need to be monitored in children's diets. One study integrated data from three sources, MRCA Information Services, Inc., 1977 Nationwide Food Consumption Survey, and the Minnesota State University Data Bank to determine the nutrient intakes of

American Children aged two to ten years for the years of 1977-1988. For more than 50% of the population, the intakes of calcium, vitamin B6 and zinc were below the RDA. Zinc was especially low, with over 80% not meeting the RDA.

The School Nutrition Dietary Assessment Study, conducted by the USDA, showed on average the RDAs for children were being met, EXCEPT for iron intakes for 11-18 year old females, zinc intakes of 11-18 year old males, and calories and vitamin B6 for 15-18 year old males. The study also found that the average amount of cholesterol in school lunch meals offered is 88 mg, which is less than the one-third recommended maximum daily intake of 300 mg. Because USDA places so much emphasis on fat, saturated fat, and sodium in this study, NCA is unclear why the same emphasis is not placed on the deficiency in iron, zinc, vitamin B6 and calories. In addition, NCA questions statements made in the proposal that efforts should be made to reduce cholesterol. School lunches are meeting the recommendation made by the National Research Council. NCA is concerned that efforts on behalf of USDA to promote a further reduction in cholesterol will give the message to parents, school food service personnel, and students that current scientific consensus recommendations are not adequate for a healthy diet. NCA believes that such a "message" will confuse students and in turn lead to practices that are very unhealthy. NCA **supports** the current 1990 Dietary Guidelines.

The Importance of Iron and Zinc in Children's Diets

Iron deficiency is still the most common single nutrient deficiency in the United States. The Joint Nutrition Monitoring Evaluation Committee (DHHS/USDA, 1986) considered iron to be a food component warranting public health monitoring priority. The Surgeon General's Report on Nutrition and Health (DHHS/USDA, 1988) notes the importance of children, adolescents and women of child bearing age consuming foods that are good sources of iron. A more recent report from Tufts University School of Nutrition shows that iron deficiency anemia, which is associated with impaired cognitive development, affects nearly 25% of low income children in the United States. The consequences of iron deficiencies included impaired work and intellectual performance, behavior disorders, decreased resistance to infections and increased susceptibility to lead poisoning. These consequences may become evident even before clinical indications of iron deficiencies occur. Iron is not the only nutrient of concern in children's growth and development. Deficiencies of zinc and B vitamins can also lead to serious developmental problems, yet these nutrients will not be monitored in the proposed National School Lunch Program. Zinc plays a key role in growth, maturation and the immune system. Zinc has also consistently been found to be low in the diets of children. Therefore, NCA **supports** incorporating zinc and vitamin B6 in their monitoring program.

Beef is Nature's Most Excellent Source of Iron and Zinc in the Diet

Iron and zinc are prevalent in red meat. Beef is one of nature's best sources of iron. Beef contains heme iron, a type of iron that is three to five times more easily absorbed by the body than non-heme iron, which is found in such source as vegetables, grains, beans, and eggs. Additionally, a special phenomenon called the meat factor helps increase the absorption of non-heme iron by two to four times when beef is eaten with plant sources at the same meal. For example, 1/2 cup of cooked beans contains 2.6 mg of iron, yet only 0.16 mg is absorbed; 3 oz. of beef contains 2.9 mg of iron (about the same as beans), with .42 mg absorbed (about three times as much!). A nutrient standards approach is not capable of taking this into account. Nutrient standards menu planning may show that the requirement for iron is being met without meat, but it will not show that less is absorbed without meat. As in the case of iron, beef is an excellent source of zinc. Zinc is a component of every living human cell and plays a role in growth, reproduction, appetite, food utilization, taste, night vision, and production of hormones and the immune system. A 3 oz. serving of beef contains about four times as much zinc as 3 oz. of chicken, turkey and 1/2 cup of cooked beans.

It must also be noted that beef/meat is not the number one contributor of fat to the diet. In fact, USDA's 1987-1988 Nationwide Food Consumption Survey data shows that beef contributes only about 9% of total fat in the diet of 1-10 year olds, and about 12% of total fat in the diets of 11-18 year olds. Approximately 90% of total fat in the diets of the nation's children is coming from sources other than beef. While total fat intake has gone up since 1980, beef fat consumption has gone down. NCA **supports** educational programs for school food service personnel, parents, and children properly reflecting this information. Presentations made by school food service personnel throughout this reform process have implied that cutting down meat, or eliminating meat, in school lunches will greatly and sufficiently reduce fat intake. NCA believes that industry and USDA can work together to educate school personnel, parents, and children that giving up meat does not equal a sufficiently low fat, healthy diet. NCA **supports** nutrition education based on sound science.

Changing the Focus of the Lunch Program from Nutrient Deficiencies to Dietary Excesses

As the school lunch program has aided in decreasing the number of children who experience nutrition deficiencies, the Department of Agriculture's focus of nutrition in the school meal programs has changed. Rather than a focus on the RDAs for adequate growth and development, the focus is now on Dietary Guidelines for adult disease prevention. A primary reason for this change is to lower the health care costs due to the numbers of diet-related diseases. It is worth striving for such a goal. It is important to note, however, that if the narrow focus on fat and fiber reduces or eliminates a focus on vitamin and mineral needs, the cost of health care will NOT go down dramatically, if at all. For example, increased fiber intake decreases the absorption of certain vitamins and minerals, such as iron, zinc and calcium. Therefore, changes in children's diets need to carefully balance disease prevention and optimal growth and development.

Another key factor in meeting a healthy lifestyle for children is exercise. As is also the case in adults, too often obesity is linked with over consumption, rather than the more likely cause of insufficient exercise. Exercise inherently improves health, but it also allows for greater caloric consumption, and consequently greater nutrient intake, without resulting in obesity. That means that schools must allow adequate time for, and proper emphasis must be placed on, physical education. Nutrition education without physical education is incomplete!

Fortification

NCA **supports** including regulatory language in a final rule controlling the use of fortification to meet nutrient goals. If this is not done, fortification of products with little or no natural sources of vitamins A, C, iron or calcium could be used to meet the Dietary Guidelines. NCA **supports** the following:

> Preferred sources of adequate nutrition are meals and snacks which provide a variety of conventional foods rather than formulated, fortified foods. Moreover, foods that are fortified with only a few nutrients may not supply other essential known and unknown micronutrients which conventional foods supply.
>
> Nutrients added to the foods can be counted toward the nutrient standards only if they were added in accordance with:
>
> 1) a Standard of Identity or Standard of Enrichment issued by the Food and Drug Administration (FDA) for the food item. Commonly enriched foods for which fortification is added under this provision include milk, margarine, commercially-prepared cereals, enriched bread and cereal products, and fruit products including canned prune juice, nectars, and canned applesauce.
> 2) a USDA purchase specification for a donated commodity food; or
> 3) a breakfast cereal available on the commercial market.
>
> The nutrients added to fortify products such as the USDA enriched macaroni with fortified protein can be counted toward the nutrient standard.
>
> While fortified foods that do not meet these criteria can be planned into the menu, only the nutrients that are naturally occurring in these foods can be counted toward meeting the nutrient standard. For example, the nutrients added to fortify products such as formulated grain/fruit products (as defined by the USDA) cannot be counted toward the nutrient standard. The menu planner must choose the generic version of a food without fortification for nutrient analysis. For example, if apple juice fortified with 100 mg vitamin C is served, then apple juice without vitamin C must be used in the nutrient analysis of the meal the juice is included in. The 100 mg of vitamin C

cannot be used in the nutrient analysis of the meal because the level of vitamin C is not naturally occurring in the apple juice.

The Beef Industry is a Leader in the Development of a School Lunch Program to Meet Today's Nutrition Goals

The beef industry has also responded to the message that school lunch meals need to be lower in fat and sodium. The industry has been a leader in tackling and succeeding in the development of a program that meets the Dietary Guidelines. As the most promising and effective programs to reduce fat and sodium in school lunch programs, LUNCHPOWER! was developed by the University of Minnesota in coordination with the Beef Industry Council. It is a food based, rather than nutrient based, program. Criteria have been set for food purchasing and preparation to meet the Dietary Guidelines and the Recommended Daily Allowances. LUNCHPOWER! was implemented in 34 elementary schools in Minnesota. In addition to menu planning and food purchasing to reduce the fat and sodium content, familiar recipes were modified to produce lower fat and sodium items that were highly acceptable to students. For example, the cooks drain and rinse ground meat used in tacos, resulting in a popular entree item that is on average 9 g lower in fat than the unmodified product. Evaluation results of the program have shown that there were significant decreases in both total grams of fat and the percentage of energy from fat when comparing base-line and follow up data. The percentage of energy from fat in the diet decreased from 40% to 28%. Furthermore, these lower-sodium and lower-fat meals were convenient for the schools and student participation in the lunch programs was maintained. A 1994 winner of the American Dietetic Association's President's Circle Award, LUNCHPOWER! has been shown to work and has proven to be effective. There are virtually no added costs, food service personnel like it, children like the food, and it allows for a variety of foods--as is recommended by the Dietary Guidelines. An article explaining LUNCHPOWER! from the Journal of the American Dietetic Association is attached.

The National Cattlemen's Association believes that there are various ways for the National School Lunch Program to meet the Dietary Guidelines, some more appropriate than others. A food based menu system is easy to implement, costs much less than nutrient standards, has a proven track record and highlights all the components of the Dietary Guidelines. Such a system arrives at the goal of meeting the Dietary Guidelines while maintaining flexibility for all. This system will also help school food service personnel teach good eating habits based on foods. Such a method will assist children in continuing these good eating habits out of school. A nutrient standards menu planning approach does not ensure a basis of food. Nutrients can be obtained through supplementation, not just primarily through whole foods.

NCA is concerned that USDA has not yet determined how programs such as LUNCHPOWER! will fit into the proposed final rule. Because these programs have been evaluated and proven effective, NCA requests USDA to specify how these programs will be accepted for use.

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Evaluation

As always, evaluation is important to learning how to continuously improve the school lunch program. NCA **supports** getting data back from USDA's own pilot programs before making the proposed National School Lunch Program final. If USDA does not wait, much wasted time, energy, and financial resources will go into implementing the Dietary Guidelines.

In addition, plate waste, or what is being discarded rather than consumed, must be evaluated. No matter how nutritious the food is or how lovely it looks, it is not nutritious if the children don't eat. Plate waste may be due to time constraints on the student, or any number of other reasons. Recent studies have shown that although an increased offering of fruits and vegetables sounds good, the children are throwing some of them away. An evaluation component of plate waste should provide the necessary information on precisely what is being thrown away and why, thus targeting the program more effectively.

Summary

In summary, the National Cattlemen's Association **supports**, as always, nutrition recommendations based on sound scientific principles, with accurate interpretation and communication to the public. Narrowly focused attention on fat in the diets of children, rather than an overall healthy diet, can lead to less than desirable outcomes such as increased incidence of eating disorders among teenagers (children do not differentiate between fat on the body and fat in the diet), greater incidence of osteoporosis, lethargy, developmental disorders, etc. Careful monitoring systems, with scientifically valid measurement tools, must be put in place to track and measure the effects of such changes in the diets of children. Finally, NCA **supports** meeting the Dietary Guidelines by combining fat calculations for breakfast and lunch. Because the dietary guideline of 30% of calories from fat and 10% from saturated fat is for the total diet over time, NCA believes that the percentage fat calculations should be done combining both breakfasts and lunches. NCA looks forward to working with the Department as recommendations for changing the National School Lunch Program are further developed.

TESTIMONY OF

JAMES C. BARR
CHIEF EXECUTIVE OFFICER
NATIONAL MILK PRODUCERS FEDERATION

before the

SUBCOMMITTEE ON DEPARTMENT OPERATIONS AND NUTRITION
COMMITTEE ON AGRICULTURE
U.S. HOUSE OF REPRESENTATIVES

regarding the

U.S. DEPARTMENT OF AGRICULTURE'S

proposed rule on the

NUTRITION OBJECTIVES FOR SCHOOL MEALS

September 7, 1994

Mr. Chairman, I am James C. Barr, Chief Executive Officer of the National Milk Producers Federation. The National Milk Producers Federation is the national farm commodity organization that represents dairy farmers and the dairy marketing associations they own and operate throughout the United States.

Thank you for the opportunity to testify before the Subcommittee about the proposed rule of the Department of Agriculture to provide nutrition objectives for school meals. The Federation and its member cooperatives are proud of the contribution the dairy industry has made to the National School Lunch Program and appreciates the opportunity to share our serious concerns regarding the proposed rule.

The National Milk Producers Federation supports the current food-based menu system and opposes changing to Nutrient Standard Menu Planning as currently proposed. Secondly, the Federation is concerned about the impact of imposing the adult Dietary Guidelines to children without modification. The Federation's third concern is the significant financial burden the regulations will place on public school systems, the taxpayer and the agriculture community.

The proposed Nutrient Standard Menu Planning is a costly, impractical, government-controlled program. The proposed regulation seeks sweeping changes to the National School Lunch Program without support from the general public or private industry. The Federation along with other groups strongly supports the use of negotiated rulemaking in amending the National School Lunch Program to foster open dialogue between the Department and all affected parties in improving rather than eliminating a program that successfully has fed millions of children for over fifty years.

The Dietary Guidelines, while laudable, are based on a study of adult males. USDA proposes to apply them to children without taking age and development into consideration. For example, the Dietary Guidelines recommend that alcoholic beverages be served in moderation. No one would think of applying to this guideline to the school lunch program. Common sense and prudence must be used in adopting adult guidelines for children until Dietary Guidelines for Children are developed. With regard to reducing calories from fat, many experts disagree that growing children's diets be restricted to 30 percent or fewer calories from fat as recommended for adults in the Dietary Guidelines. Substantial scientific evidence including what we heard today from the Canadian experts contradicts USDA's directive to reduce calories from fat and saturated fat to 30 percent and 10 percent respectively.

The Federation advocates a restriction on the use of fortified foods and is alarmed that the Department failed to address this issue. The Federation urges the Department to adopt the California statutory language to restrict the use of fortified foods which do not supply the essential micronutrients found in conventional foods.

The proposed regulations omit designation of serving sizes for food, a practice that has been effective in guaranteeing that children receive an adequate amount of food. The Federation is concerned that students will not get enough to eat if serving sizes are not designated and urges the Department to retain the standard serving sizes of a reimbursable meal.

The Federation advocates combining the analysis of school breakfast and lunch. Most children who eat school breakfast also eat school lunch. Combining the meals parallels the intended application of the Dietary Guidelines may serve as an incentive for schools to offer breakfast, a meal that frequently is lower in fat than lunch.

It is unfortunate that the entire thrust of the proposed regulation is targeted at reducing calories from fat. Problems such as participation of school systems, particularly in urban and suburban areas and participation of students in middle and high school are not addressed in the proposed rule. A recent review of the program revealed that students fail to take and eat adequate amounts of fruits, vegetables, and milk. Thirty five percent of elementary school children and almost 60 percent of teenagers ate no fruit on the day of the survey. Thirteen percent of low-income male teenagers and 22 percent of low-income female teenagers do not drink milk. These problems are not addressed adequately or practically in the proposed regulations.

The Federation proposes a change in the concept of "offer versus serve" to include foods from all food groups especially fruits and vegetables in a reimbursable meal to solve the problem of inadequate consumption of fruits, vegetables and milk. A reimbursable meal should include five of the five offerings, not three out of five or two out of three offerings. Students cannot consume a balanced meal unless they are exposed to different foods on their plate.

To increase participation in the school lunch program and consumption of milk, students should be offered flavored milk daily. Studies show a dramatic increase in consumption of milk and participation in the school lunch program when flavored milk is offered. The Federation proposes that milk, especially flavored milk, be a component of every reimbursable meal.

The cost of implementing the Nutrient Standard Menu Planning and the economic impact on the agriculture and school communities have not been satisfactorily addressed in the proposed regulations. USDA estimates that nutrient standard menu planning will increase costs to the Commodity Credit Corporation (CCC) for dairy commodities by $25 million and cost dairy farmers 7-8 cents per hundredweight or $200 million annually. The Department concludes that the impacts on the dairy sector and the budget would be relatively small.

The Federation estimates the proposed changes in the school lunch program could reduce milk prices to dairy farmers by as much as 30-40 cents per hundredweight and decrease farm revenue by $450-600 million annually, driving thousands of family farmers out of business.

Mr. Chairman, you and Mr. Gunderson are well aware that a reduction of 7-8 cents per hundredweight is not a small impact to farmers. One economic perspective of this issue should be kept in mind. The USDA's estimated "small economic impact" of the proposal will exceed the negative economic impact of the currently proposed GATT legislation on the dairy industry.

USDA unilaterally has proposed a program that will have a greater negative effect on the dairy industry than GATT. This is further evidence of the importance of negotiated rulemaking in developing the final regulations. Congress and the agriculture community should be involved in decisions that dramatically effect producer income.

Mr. Chairman, the sweeping, complex changes of Nutrient Standard Menu Planning are impractical and unnecessary. The broad goals of the Dietary Guidelines can be met using the current program. One of the Federation's members, the Associated Milk Producers Incorporated, has developed two programs to help school food service menu planners reduce the fat content of meals while maintaining adequate calories for growing children. *Trimming the Fat* is available nationally from the American School Food Service Association and was awarded the President's Circle Nutrition Education Award by the American Dietetic Association. The award is given in recognition of the development and dissemination of scientifically sound nutrition information which is unique and creative.

The newest program developed by AMPI is *Target Your Market*, a comprehensive program for teaching food service staff how to market their program to attract students to the cafeteria and to balanced, nutritionally sound meals. The program addresses identifying the target audience, selecting appropriate messages, writing objectives and developing evaluations. *Trimming the Fat* and *Target Your Market* were field tested extensively with school food service personnel. The results are materials that are based on sound education principles and materials that are well received by school food service.

Mr. Chairman, practical, effective, simple approaches to improving the National School Lunch Program such as Target Your Market and Trimming the Fat, are examples of the programs the Department should be supporting, not cumbersome, costly, untested programs such as Nutrient Standard Menu Planning and Assisted Nutrient Standard Menu Planning.

The health of 25 million children is at stake. The success of the food-based meal pattern in meeting the nutrient goals of the National School Lunch Program for almost 50 years should not be forgotten.

Thank you, Mr. Chairman; I will be pleased to respond to any questions.

NATIONAL FOOD PROCESSORS ASSOCIATION

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WRITTEN STATEMENT

TESTIMONY OF
JUANITA DUGGAN,
NATIONAL FOOD PROCESSORS ASSOCIATION,
BEFORE THE
SUBCOMMITTEE ON DEPARTMENT OPERATIONS AND NUTRITION,
COMMITTEE ON AGRICULTURE,
U.S. HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 1994

The National School Lunch Program and School Breakfast Program; Nutrition Objectives for School Meals.

Good afternoon, Mr. Chairman. I am Juanita Duggan, Senior Vice President, Government Affairs, for the National Food Processors Association. NFPA is grateful for the opportunity to testify at this hearing on the school lunch and breakfast programs.

The National Food Processors Association (NFPA) is the science-based association of the food industry. We represent the $400 billion food processing industry, and our 500 member companies manufacture the nation's processed-packaged fruits and vegetables, juices and drinks, meat and poultry, seafood and specialty products.

NFPA submitted comments to Food and Nutrition Service (FNS) on the school feeding programs on December 15, 1993. A copy of those comments is attached. In addition, NFPA testified at each of the four public hearings held on this subject by USDA between October 13, 1993 and December 7, 1993. NFPA also will file comments directly with FNS on its current proposed rule.

NFPA and its members support the efforts of the U.S. Department of Agriculture to bring the school lunch and other food programs into closer agreement with the Dietary Guidelines for Americans. Specifically, NFPA endorses the proposed rules governing the school lunch program and school breakfast program, which incorporate the principles of the Dietary Guidelines for Americans into meal planning and menu development processes for these school feeding programs.

WASHINGTON, D.C. ◆ DUBLIN, CALIFORNIA ◆ SEATTLE, WASHINGTON

NFPA also supports the proposed criteria to evaluate menus for school lunch and school breakfast on a weekly basis. This approach applies the principles of the Dietary Guidelines for Americans to a real situation. Most nutrition education programs, including those which supplement the Dietary Guidelines, emphasize that dietary status is best measured by evaluating the total diet over time. A weekly evaluation of school lunch or school breakfast menus in the light of the Dietary Guidelines will allow school food service operators to offer a variety of menu items, exercise creativity in meal planning, and, in short, present meals which students are more likely to select and eat.

NFPA also supports USDA's unstated yet clear philosophy for school lunch and school breakfast menu development -- that virtually all foods can have a place in the school feeding programs. NFPA applauds FNS for recognizing that canned, frozen, and fresh products are appropriate on menus in these feeding programs.

NFPA members produce many processed foods that can continue to play a fundamental role in the school lunch and school breakfast programs. These processed food products are nutritious, convenient to store and to use, available throughout the year, and reasonable in cost. The food processing industry ensures that these products taste good and appeal to most people -- including children. Processed foods which can contribute to the school lunch and school breakfast programs are available in an extremely wide variety of products, formulations and styles -- including products with modified nutrient content when needed for menus. With this diversity of products, it is easy to include foods which will be enjoyed by most students. Ample use of the great abundance of processed foods available today will make it possible for every school food service program to create menus which meet the Dietary Guidelines for Americans, over the course of a week.

In the remainder of my testimony, I will address several technical issues in the proposed rule.

Fortification

NFPA supports in concept the provision that nutrients in the school breakfast and school lunch programs should be provided through a meal composed of a variety of conventional foods, as recommended in the Dietary Guidelines. However, NFPA urges the FNS to consider also that appropriately fortified foods have a place in the school lunch and school breakfast programs, and will provide additional variety to menu planning.

NFPA urges that FNS apply the concept of nutrient standard menu planning to food fortification, as well. NFPA recommends that any food which contributes to the Dietary Guidelines in a positive manner, over the course of a week, whether fortified or not, should be eligible for inclusion on a school feeding program menu. This would mean that enriched bread, and vitamin A and D enriched milk products, which are fortified foods, could be included on menus, and that some dilute juice beverages -- which contain more than a small percentage of juice, and are equally good sources of vitamins through enrichment -- would not be excluded from participation. This approach would also ensure that the school breakfast program could utilize common breakfast cereals, which are frequently fortified with a number of vitamins and minerals, rather than rely on unfortified cereals, which may need to be formulated especially for the school feeding programs.

NFPA appreciates that FNS is concerned about potential over-fortification of foods for the school feeding programs. NFPA suggests that FNS utilize several factors to control potential over-fortification. First, NFPA urges FNS to incorporate the principles of the food fortification policy established by the Food and Drug Administration (21 CFR §104.20). Specifically, NFPA suggests that FNS should not extend credit for meal reimbursement for the excess fortification of foods whose enrichment exceeds the guidelines established in the FDA fortification policy, as determined by the FNS in consultation with FDA. This would ensure, for example, that a super-fortified food, one that might provide 1,000% of the minimum requirement for vitamin C, could not receive full credit for reimbursement for a full week's supply of vitamin C; the contribution of the specific food would be limited to a fortification level which does not exceed that considered appropriate in the FDA fortification policy. While the FDA fortification policy may be amended in the future, NFPA believes that application of this policy would assist FNS in ensuring that foods for the school lunch and school breakfast programs are not over-fortified. If this type of control framework is established, NFPA notes that the costs of highly fortified foods will largely exclude them from participation in the program, as there will be no financial incentive to raise levels of fortification.

In addition, to help control levels of fortification in appropriate foods, NFPA urges FNS to consider the palatability of the foods included in the program. For obvious reasons, school food service operators will be averse to selecting menu items which may be subject to plate waste, or to being refused by students. This will reinforce efforts to limit over-fortification of foods.

National Nutrient Database for Child Nutrition Programs

The FNS has proposed that support for the school lunch and school breakfast programs would be provided through the National Nutrient Database for Child Nutrition Programs. This database creates potential problems in the implementation of school feeding programs. Unfortunately, these potential problems would impose a significant barrier to full participation in the school feeding programs by many food processing companies.

NFPA recognizes that resolving the problems with this database, which is administered by the Agricultural Research Service, is outside the scope of the current rulemaking. However, in this testimony, NFPA will outline the problems for the record. NFPA is also participating in discussions with both the Food and Nutrition Service and the Agricultural Research Service to attempt to resolve these difficulties in the long term.

Potential Problems in the National Nutrient Database for Child Nutrition Programs:

> Food companies reporting data into the database are instructed to provide analytical data acquired only after January, 1993. This date ensures that any nutrient analyses conducted in anticipation of mandatory nutrition labeling regulations for packaged foods would be deemed too old. Analytical data derived in 1992 should be accurate and up-to-date, and food companies reporting data from 1992 analyses would be able to reuse many data developed expressly for nutrition labeling. There have been few significant changes in official analytical methods since 1992, so there is unlikely to be any method error introduced into the database with these slightly older data.
>
> Quality Control requirements for data reporting are too stringent. While all parties desire a high quality database, the function of the database should be the determinant of the level of quality needed. The child nutrition database is intended solely to support the feeding programs; it is not a research database. Because the data will be used for evaluation of menus over one week with respect to the Dietary Guidelines, it is unnecessary to use data with the same quality controls as a research database. Furthermore, error is introduced into the menu evaluation process by prediction of selection frequency for each menu offering. These factors should indicate that reliable results can be obtained even if the nutrient data in the database are not of "research" quality.

Because the database is used only to support the school feeding programs, and because the data will be used for evaluation of menus over one week with respect to the Dietary Guidelines, submission of unrounded nutrient values developed for mandatory nutrition labeling purposes should suffice. The food industry has invested extensive resources to assemble the data needed for mandatory nutrition labeling, and it would be a needless duplication of those efforts to re-analyze food products for the child nutrition programs database.

The Child Nutrition Database appears to exclude nutrient databases developed by third parties. Many of these databases are of very high quality, with many observations, and follow good laboratory practices for nutrient analysis. Third party nutrient databases, such as those developed to support food commodities, or those submitted to FDA for approval for nutrition labeling purposes, should not be excluded.

The name of this database, National Nutrient Database for Child Nutrition Programs, incorrectly suggests that it is linked structurally and in quality controls to the National Nutrient Database, which is a research database. NFPA urges the FNS to assert the level of quality control needed in the database to support the school feeding programs. In order to signal that the child programs' database is a separate entity from the National Nutrient Database, NFPA suggests that it name be changed to "Child Nutrition Program Support Database," or similar nomenclature.

NFPA maintains that submission of nutrient data for brand-name foods to the database should be made as easy as possible, so that food processors have an incentive to contribute information for their specific products. We point out that, at present, the data submission standards for manufactured foods are higher than requirements for commodity data or items reported from the National Nutrient Database (Handbook 8).

Unless the current, onerous database criteria can be adjusted, over time, very few food companies are likely to undertake the expense and administrative burden of providing data. This would be to everyone's detriment: the school food service operators, who would be limited in their selections and menus; the students, who could face the situation that some of their favorite healthy foods may not be available; the processed food industry, especially small businesses, who could be effectively excluded from participation.

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NFPA will continue to work with the USDA agencies to resolve these problems, so the resulting product is of equal benefit to government, consumer, and industry interests.

Implementation Period

NFPA supports full implementation of revisions to the school lunch and school breakfast programs, not later than July 1, 1998. We believe it will take a significant period of time for this new approach to be tested by schools of all resource levels, for existing and unanticipated technical problems to be resolved, and for school food service operators to feel comfortable with the nutrient standard menu planning system. Many school food service operators will need to be trained in the software, and some will have to become familiar with a computerized menu evaluation system for the first time in their careers. The food processing industry understands how time consuming it is to implement fully a new regulatory structure. For instance, it has taken 18 months simply to change nutrition labels on the food supply, and that exercise did not involve training operators to exercise new menu creativity and make nutrition decisions on a weekly basis.

Concerns in the public policy sector that these mandated changes may be occurring too slowly should be measured against the assurance that, each year during the transition period, more and more schools are likely to complete the process of converting to the nutrient standard program. For this reason, NFPA urges that FNS takes the time to implement the transition correctly, and thus NFPA supports full implementation of the nutrient standard system by July 1, 1998.

Conclusion

NFPA supports the Department of Agriculture's initiative to have the school lunch and school breakfast programs conform more closely to the recommendations of the Dietary Guidelines for Americans. We will be happy to work with the Department to help achieve these goals, both in the present and the future.

Thank you for this opportunity to testify on this important issue.

(Attachment follows:)

nfpa
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December 15, 1993

Mr. Stanley C. Garnett
Director
Child Nutrition Division
FNS/USDA
Room 1007
3103 Park Center Drive
Alexandria, VA 22302

**[Nutrition Objectives for School Meals;
58 *Federal Register* 47853; September 13, 1993]**

Dear Mr. Garnett:

The National Food Processors Association (NFPA) is the science-based association of the food industry, whose 500 members manufacture the nation's processed-packaged fruits and vegetables, juices and drinks, meat and poultry, seafood and specialty products.

NFPA appreciates the opportunity to participate in this effort to identify nutrition objectives for school lunch meals. We have expressed our interest in this important issue by speaking or having a member representative speak at each of the four public hearings held between October 13 and December 7. For the record, copies of the four presentations are appended.

NFPA members produce many processed foods that should continue to be play a fundamental role in the school lunch and similar government food programs. These products are nutritious, available year-round, convenient to store and to use, and reasonable in costs.

NFPA and its members agree with and support the Dietary Guidelines for Americans. We support efforts by the Department of Agriculture to bring the school lunch and other food programs into closer agreement with these guidelines. However, we do not believe that it is necessary to reduce the amount of processed foods included in the program to obtain those results. In fact, with the tremendous abundance of processed foods available today, there should be no problem meeting the Dietary Guidelines for Americans with such a wide variety of foods.

Domestically canned and frozen food products are readily available year around. The vast majority of canned vegetables and fruits are virtually fat-free, and an increasing number of low-salt and low-sugar products are available to meet the nutrition needs of the school lunch program. Nutritious products are available in an extremely wide variety of substances and forms. With this diversity of products, it is certainly possible to include in a nutritious dietary offering foods which will be enjoyed by most students.

NFPA studies have shown that nutrient values for canned and frozen food products are equivalent to fresh product on an "as prepared" basis. A copy of the summary report from these studies is enclosed for the record. Processed food products are harvested at the peak of ripeness and provide consistent quality and nutrition. Their ease of use is especially important to those who operate the food service operations within our schools. Without the need for preservatives, canned and frozen foods capture the "fresh-off-the-vine" flavor of foods.

Unlike fresh produce which can spoil before eaten, canned foods maintain excellent quality without special storage for months after purchase. Furthermore, the costs to build and maintain refrigerated space essential for storage of fresh produce are averted completely with canned products.

Domestically processed fruits and vegetables are available throughout the year. It would be necessary to purchase certain fresh products from foreign countries in order to duplicate the ready-availability of processed foods which Americans too often take for granted.

Processed foods minimize food preparation time, clean up time and waste disposal problems. Manufacturing operations conducted during food processing eliminate laborious cooking, cutting, peeling and chopping operations that would have to be done by school lunch room personnel to prepare similar products. Furthermore, the attendant agricultural wastes disposed of by food processors would have to be disposed of by school systems that prepared meals from raw produce.

NFPA's research as well as private and government studies have all shown that pesticide levels in processed fruits and vegetables are consistently either undetectable or present at extremely low levels well below the legal tolerances established by the government. Indeed, processing operations further reduce or eliminate any pesticide residue present on raw commodities. Given these facts, we object strenuously to any government effort to displace from the school lunch program fruits and vegetables grown in accord with the laws of the land.

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The school lunch and other food distribution programs are a multi-billion dollar investment of public monies. These programs clearly represent a very major commitment to the nutritional welfare of our citizens. We believe the government is well advised to forgo paying a premium for organic foods in order to utilize limited public funds to maximize the availability of nutritious food to those who utilize the program. Paying more for organic foods can only mean that less food is purchased, more money is expended, or both.

Product appearance should not be overlooked when considering the likelihood of fresh fruit and vegetable consumption by children in the school lunch program. Fresh fruits or vegetables with degraded appearance due to improper or prolonged storage or distribution time are unlikely to be eaten. Likewise, foods damaged by insects are less likely to be eaten.

Comments at the four recent public hearings pointed out that in many cases school students object to the taste or appearance of otherwise highly nutritious, prepared fruit and vegetable products. Students thus fail to select or consume the products which circumvents attempts to provide a balanced diet based on the dietary guidelines. We suggest that food preparation is key to resolving this dilemma. Foods which are improperly prepared will not be tasty and desirable no matter the form of the ingredients - fresh, frozen or canned. On the other hand, with a little special effort and attention foods in any of these forms can be fashioned into highly tempting meal elements.

It is of interest to note that many renowned chefs utilize processed ingredients frequently in preparation of their specialties. For example, the Canned Food Information Council has prepared many recipe books of outstanding food selections prepared with canned ingredients. A copy of one of the books is enclosed.

NFPA and its members object to attempts to reduce or minimize the role of processed foods in the school lunch and other food distribution programs. Our members' products should and must continue as a mainstay in these food distribution programs. No issues of nutrition, cost, or convenience dictate otherwise.

NFPA believes strongly that this government's food distribution programs should not be used as an implement for promoting the production and consumption of organic foods. We object to legislation which would earmark limited federal funds to this end. We know of no nutrition-related basis for doing so.

Conclusion

NFPA members supply a significant volume of nutritious food products in a convenient, shelf-stable form at a reasonable cost to the government's school lunch and other food distribution programs. We believe these products, whether frozen, canned, or otherwise processed, make a valuable contribution to the nutritional adequacy of the school lunch program.

We support the Department of Agriculture's initiative to have the school lunch program conform more closely to the recommendations of the Dietary Guidelines for Americans. We would be happy to work with the Department to help achieve these goals.

Respectfully submitted,

John R. Cady
President and CEO

Attachments:

NFPA Testimony on Nutrition Objectives for School Meals - Presented by James B. Eithier, Bush Brothers and Company, October 13, 1993 - Atlanta, GA

NFPA Testimony on Nutrition Objectives for School Meals - Presented by Joel Gallin, Hunt-Wesson, Inc., October 27, 1993 - Los Angeles, CA

NFPA Testimony on Nutrition Objectives for School Meals - Presented by Guy Johnson, Pillsbury Company, November 12, 1993 - Flint, MI

NFPA Testimony on Nutrition Objectives for School Meals Presented by John R. Cady, National Food Processors Assoc., December 7, 1993 - Washington, DC

Nutritional Quality of Processed Foods, A Series of Papers Based on Nutrition Studies of the National Food Processors Association Laboratories

Chefs' Choice, Recipes from the Canned Food Information Council

Testimony
of the
American School Food Service Association
before the
Committee on Agriculture
U.S. House of Representatives
September 7, 1994

Mr. Chairman, Members of the Committee, my name is Vivian Pilant, and I am the President of the American School Food Service Association. I am also the Director of Food Services for the State of South Carolina. We very much appreciate the opportunity to be with you this afternoon, and the continued interest of this Subcommittee in the nutrition policies of the Department of Agriculture. Attached to my testimony are the comments we will be filing with the Department of Agriculture tomorrow in response to the proposed school meals initiative for healthy children regulations published on June 10, 1994.

Since 1946 when the National School Lunch Act was enacted meals have been planned around food groups --- two ounces of meat or meat alternate; two servings of vegetable or fruit, each containing 3/4 cup, etc. On June 10, 1994 USDA proposed changing all of this. USDA proposes to amend the regulations, changing the nutrition standard for the National School Lunch and Breakfast Programs to require meals based on an analysis of key nutrients. Nutrient Standard Menu Planning (NSMP) would be in lieu of the current meal pattern. The changes would have to be implemented by all schools no later than July 1, 1998.

The American School Food Service Association has strongly supported the Dietary Guidelines for Americans over the years. ASFSA endorsed the first edition of the Dietary Guidelines published in 1980, the second edition published in 1985, and the third edition published in 1990. The third edition of the Dietary Guidelines was the first time the Dietary Guidelines were applied to children.

ASFSA backed up its commitment to the Dietary Guidelines with specific actions:

- ASFSA supported the creation of the USDA School Food Service Management Institute to provide technical assistance on the Dietary Guidelines;
- ASFSA endorsed legislation to provide nutrition guidance for the Child Nutrition Programs (P.L. 101-147);

- ASFSA endorsed legislation to revise the USDA Menu Planning Guide consistent with the Nutrition Guidance for Child Nutrition Programs (P.L. 101-147);
- ASFSA endorsed legislation to revise the specifications for commodities distributed to schools to make them consistent with the Dietary Guidelines for Americans (P.L. 101-237);
- ASFSA developed a comprehensive training program, called Healthy E.D.G.E. (Eating, the Dietary Guidelines and Education) designed to help school foodservice professionals implement the Dietary Guidelines. The Health E.D.G.E. was funded, in part, by a grant from the Department of Health and Human Services.

ASFSA's emphasis on the Dietary Guidelines helped raise awareness among school foodservice professionals and move forward implementation of the Dietary Guidelines. USDA's School Nutrition Dietary Assessment study (SNDA) indicated that in 44 percent of the Nation's schools students could now choose a meal consistent with the Dietary Guidelines.

Five of the ten leading causes of death in America have been linked to diet i.e., diet is a risk factor for these dreaded diseases. So it is important that all Americans, including children, choose a diet that is consistent with the Dietary Guidelines for Americans.

On the other hand, however, is it realistic to expect that children are going to eat in school differently than they eat at home or in a restaurant? Schools can lead the way on the implementation of the Dietary Guidelines provided USDA is realistic and flexible in its approach. The Nutrient Standard Menu Plan should be one method to achieving the Dietary Guidelines; NSMP should not be an end in itself.

ASFSA implores USDA to collaboratively develop and provide a food based menu system supporting the Dietary Guidelines as a third alternative to the proposed NSMP and Assisted NSMP.

Schools have been successful in reducing fat, saturated fat and sodium levels but could make greater strides if the current menu components now required by USDA were modified to provide flexibility to offer more foods students will eat. School districts and schools are reducing these levels, and with the increased flexibility a food based menu planning system would provide, more schools would be effective in achieving the goals of the proposed regulation.

An additional advantage of a food based model is the use of the school meal program to reinforce the Food Guide Pyramid for nutrition education. For example, as children come through the serving line the menu offerings could be based on the Food Guide Pyramid. Teachers and schools have been teaching the concepts outlined in the Pyramid, and the use of the school cafeteria to reinforce those efforts will provide a very strong message to students. Additionally, the Food Guide Pyramid underwent extensive testing (including with children) before its adoption.

The new food based menu system would assure more fruits, vegetables and whole grains in their menus, as well as more choices, reinforcing the 5-A-Day program now being implemented in schools as well as retail channels.

We believe it may actually be possible to implement the Dietary Guidelines before July 1, 1998 if USDA gave schools this flexibility on how to proceed. Nutrient Standard Menu Planning is an unfunded federal mandate that we can not afford.

Forcing every school in the Nation to implement the Dietary Guidelines the same may way be counterproductive and result in schools leaving the National School Lunch Program with fewer children being served. We are a very large and diverse country. What works in Los Angeles and New York City may not work in the rural Midwest.

High schools have been offering a greater and greater variety of foods in order to appeal to their customers. The Nutrient Standard Menu Plan may lead to greater uniformity, less variety, and fewer ethnic dishes. A nutrient analysis can be used to test compliance with the Dietary Guidelines without being used to plan meals for children.

Given these limitations, ASFSA can support the use of NSMP as one of the optional ways to meet the Dietary Guideline recommendations if several modifications are made:

1. First, NSMP, as proposed, is an untested federal mandate that may well increase the costs associated with administering the program. Clearly, USDA needs to thoroughly test this concept. We urge that the pilot testing of NSMP be permitted to run its full course, allowing the results to be analyzed, before widescale implementation, and publication of an interim rule. This would not prevent earlier implementation of NSMP by those School Food Authorities that are judged capable by the State Agency.

2. ASFSA urges elimination of weighted averaging as it is described in the proposal. This step of NSMP is complicated and time-consuming. It measures food choices by students--something that school foodservice professionals cannot control without limiting choices. The goal is to plan menus based on the nutrients available in the food, and this can be accomplished without weighted averages. This complex, detail-driven procedure would add to administrative paperwork burdens and costs. Additionally, schools selling a la carte items such as milk, juice and sandwiches will be required to separate these purchases from their current production records to meet the proposed "weighted average" requirements. This will add yet another layer of record keeping.

This process of weighted averaging changes the basic accountability of child nutrition programs from being responsible for planning meals that meet the reimbursable meal standards as offered, to being responsible for planning meals that meet the nutrient standards *as served*. The effect of this will be particularly evident in the case of offer vs. serve, where, for instance, the nutrient standard for calories may not be met by the offering of a meal with adequate calories because some foods are refused by some students. Therefore, child nutrition programs will look for foods that most students will take, possibly a dessert or other added labor food that will increase food and labor costs and may further detract from the consumption of basic fruits, vegetables and grains. This is an area that needs further study through the NSMP pilots.

3. ASFSA encourages the Department to combine the analysis of breakfast and lunch. Most of the children who eat school breakfast also eat school lunch. We are concerned about the food children eat over a period of time. Just as it makes good sense to average meals eaten over a week, it makes sense to average

the two meals that schools offer. This more closely parallels the intended application of Dietary Guidelines for healthy diets.

The Dietary Guidelines are for all foods consumed, over time. They are not intended as "lunch" guidelines or "breakfast" guidelines. Applying the DGA's to lunch and breakfast separately could be seen as an effort by USDA to force children to consume a diet that is lower in fat than the DGA's intend.

Further, combining lunch and breakfast might serve as an incentive for schools to offer breakfast, a meal that is usually lower in fat than is lunch. School breakfast is a very important meal, particularly for low-income children. USDA must do more to reach children not currently served by the meal programs. Combining the nutrient/meal guidelines is one important step that would encourage schools to expand the breakfast program.

4. We question the financial impact statement published in the proposed regulations. USDA is familiar with the increased cost of purchasing lowfat items in its own commodity program, such as ground beef and cheese. Also, it is our understanding that the cost of the hardware and software for NSMP may be from $2500-$3500 per school based on USDA specifications for the pilot NSMP sites. For a large school district doing all of the menu planning and recordkeeping in the central office, this cost may be affordable. But for a small School Food Authority or one that uses "site based management" or one that allows special or individualized promotions by site, NSMP will need to be done at each site, requiring additional hardware, software, and more proficient site staff and staff training.

This cost will prohibit some schools from using NSMP and force them to resort to using the only other option offered in the proposed regulations - Assisted Nutrient Standard Menu Planning. ANSMP would decrease the flexibility that a food based menu system would allow. We are concerned that these options, NSMP or ANSMP, will result in lost participation, frustrated school foodservice staff and eventually a SFA that either ignores the DGA's or drops out of the program completely.

5. ASFSA urges the Department to provide an implementation and training calendar for NSMP by region. This would enable the Department to take into account the diverse challenges presented by each state

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and region of the country, and help address those issues of ethnicity and diversity that are increasingly a part of the meal planning process and the educational process in general.

6. ASFSA urges USDA to develop fortification standards. We are concerned that products may be developed that are preternaturally fortified and will, therefore, meet the nutrient requirements when, in their usually occurring form, they would not. The combination of the lack of a fortification policy, with the 1) lack of a dietary fiber standard, and 2) the requirement for only three menu items, will encourage fortification.

7. ASFSA recommends deletion of the requirement that an entree must be selected in offer vs. serve. It restricts student choice because it encourages SFA's to focus on the entree and deters students from making non-traditional food choices. It may also discourage menu planners from offering more fruits and vegetables since students do not have to take them. Also, we are troubled that there is no explicit definition of an "entree."

8. We are concerned by the proposal that would mandate that school foodservice professionals plan meals for four different age groups. This will complicate the menu planning process, especially in schools where more than one age group is represented.

9. While fluid milk is one of the requirements of NSMP, and there is a quantity requirement for breakfast, there is no quantity requirement for lunch. This is of significant concern to us. We would prefer the current milk quantity requirements for lunch. Osteoporosis is a growing problem in this country and has its beginnings in childhood. It seems wise to promote the consumption of lowfat milk in school meals, both to provide nutrients in childhood and to develop good lifetime eating habits.

Additionally, we want to commend the Department for these provisions included in the proposed rule.

1. The implementation date of July 1, 1998 for NSMP. We believe that it will take until that date to evaluate the pilot projects, provide training and put in place the necessary USDA infrastructure to make this plan successful.

2. The language encouraging schools to provide "adequate meal service times and periods to ensure that students can effectively participate in the school lunch program."

3. New language in 210.19 of this proposed regulation provides a beginning for a continuous improvement process type of review of school foodservice programs that focuses on the outcome rather than the process. This new language would set in place a system where technical assistance, rather than monetary overclaims, would follow reviews of the compliance with nutrition standards. This technical assistance would continue until compliance with the standards is met without the threat of financial penalty.

4. Nutrition disclosure, provided it is coupled with nutrition education. This would be an advantageous marketing tool for schools that wish to present the information. However, schools should not be mandated to provide the nutrient content of the foods offered, particularly if there are no nutrition authorities in the program.

5. The extension of the Coordinated Review Effort Review cycle from four years to five years.

A recent GAO report identified over 300 schools that have voluntarily left the National School Lunch Program since 1989. (These are not schools that closed or merged with other schools.) One of the reasons cited by schools for their decision to leave the program was the administrative complexity of the program and current USDA regulations. When other federal programs were being deregulated during the 1980s, the National School Lunch Program was being over-regulated. A significant percentage of the total paperwork in local schools is now attributed to one USDA program — the National School Lunch Program.

Successful implementation of the Dietary Guidelines will require significant technical assistance from the Department of Agriculture and a nutrition education effort aimed at school foodservice professionals, parents, teachers, and students. Most of all, there will have to be a flexible mind set at the Department. Nutrient Standard Menu Planning should be one of the options by which schools can implement the Dietary Guidelines. It should not be the only option.

School lunch participation has declined in recent years as a percentage of enrollment. There are several million low income children eligible for free and reduced-price meals who do not currently participate in the program, in addition to twenty million potential "paying" customers who do not participate in the program.

Implementing the Dietary Guidelines is an important goal for the School Lunch and Breakfast Programs, but it is not the only goal. We will fail the Nation's children if in the process of implementing the Dietary Guidelines school lunch participation drops and we lose high schools from the program.

In closing, Mr. Chairman, allow me to comment briefly on the child nutrition reauthorization legislation. Several features of the legislation may impact on the regulations we are discussing here today. The Senate bill, S. 1614, contains a provision which would make the Nutrient Standard Menu Planning, as proposed by the Department, one option for schools in meeting the Dietary Guidelines. It would also require the Department to publish a new food based menu system, which schools could follow in order to achieve the Dietary Guidelines.

The House bill, H.R. 8, would require the Secretary to combine school lunch and breakfast program requirements. One of the other features of the proposed regulations which concerns us is that the nutrition requirements for the lunch program and the nutrition requirements for the breakfast program are completely separate. Since the Dietary Guidelines for Americans is intended for all food consumed we think it would be appropriate to combine the school lunch and breakfast nutrition requirements.

Lastly, the House legislation contains a section that would require the Department to enter into a negotiated rulemaking on the statute being enacted. We would hope that this Committee would support all three of these provisions in conference.

Thank you very much for the opportunity to testify. I would be happy to answer any questions that you may have.

(Attachment follows:)

ASFSA Final Draft Comment--Not Filed Yet

Mr. Robert M. Eadie, Chief
Policy and Program Development Branch
Child Nutrition Division
Food and Nutrition Service, USDA
3101 Park Center Drive
Alexandria, VA 22302

Dear Mr. Eadie:

The American School Food Service Association (ASFSA) is pleased to submit its comments and response to the proposed School Meals Initiative for Healthy Children regulations published June 10, 1994.

ASFSA strongly supports the speediest possible implementation of the Dietary Guidelines for Americans (DGA's) in school meals. Our comments contain a proposal which, if implemented, could accomplish the United States Department of Agriculture's (USDA) goal of improving the nutrition standards of school meals even more quickly than the July 1, 1998 date in the proposed regulation.

We know that the guidelines could be implemented more rapidly and with greater order and less expense if a third option were made available to school districts and schools. Rather than building government infrastructure to implement Nutrient Standard Menu Planning (NSMP) or Assisted Nutrient Standard Menu Planning (ANSMP) our proposal would streamline government by using existing resources, materials and methodologies already tested, thus saving tax dollars. This saving would accrue at all levels and would also provide more flexibility to state agencies, local school districts and schools.

ASFSA PLEDGES ADDITIONAL SUPPORT FOR FURTHER IMPLEMENTATION OF THE DIETARY GUIDELINES FOR AMERICANS IN SCHOOLS

We have been working toward implementation of the Dietary Guidelines for fifteen years, urging Congress and USDA to make the necessary changes. We have also worked in partnership with other organizations to help provide guidance and materials to school districts and schools implementing the Dietary Guidelines.

We will continue to give support to food manufacturers so they can provide a wide variety of products that help schools meet the DGA's by reducing fat, saturated fat and sodium and increasing dietary fiber in manufactured products and so that they can provide the nutrient analysis of their products for evaluation and use in the NSMP and use in local school districts.

We will assist USDA and State Agencies in providing training to our members in the use of NSMP and a food based menu system by providing a support network of trainers and training similar to our effort with the Healthy E.D.G.E.

We will work with USDA to develop a new food based menu system by January 1, 1995 that will ensure that meals planned with this new meal pattern will, when evaluated over a week's time, comply with the Dietary Guidelines.

Our comments will address:

1. The adoption of a food based menu system to implement the Dietary Guidelines in schools by July 1, 1996.

2. How to improve the proposed Nutrient Standard Menu Plan.

3. Sections of the proposed rule.

ASFSA STRONGLY URGES USDA TO PROVIDE A MODIFIED MEAL PATTERN OR NEW FOOD-BASED MENU SYSTEM SUPPORTING THE DIETARY GUIDELINES AS AN OPTION TO NSMP

1. ASFSA implores USDA to collaboratively develop and provide a food based menu system supporting the Dietary Guidelines as a third alternative to the proposed NSMP and Assisted NSMP.

According to USDA's 1993 School Nutrition Dietary Assessment Study (SNDA) the current food based menu planning system has been effective in meeting one-third of the Recommended Dietary Allowances (RDA) and desired cholesterol levels. Students who obtained a non-NSLP lunch consumed just 23 percent of the RDA.

While the fat and saturated fat of the menus evaluated in the SNDA study exceeded the recommendations of the Dietary Guidelines it must be remembered that these recommendations first applied to children in the 1990 edition of the Dietary Guidelines and the SNDA data was collected in 1992.

Since the 1990 recommendations were published many schools have worked toward reducing the fat levels while simultaneously implementing the other recommendations contained within the Dietary Guidelines. The SNDA study also showed that 44 percent of the surveyed schools offered a menu that met the Dietary Guidelines.

Schools have been successful in reducing fat, saturated fat and sodium levels but could make greater strides if the current menu components now required by USDA were modified to provide flexibility to offer more foods students will eat. School districts and schools are reducing these levels, and with the increased flexibility a food based menu planning system would provide, more schools would be effective in achieving the goals of the proposed regulation.

2. An additional advantage of a food based model is the use of the school meal program to reinforce the Food Guide Pyramid for nutrition education. For example, as children come through the serving line the menu offerings could be based on the Food Guide Pyramid. Teachers and schools have been teaching the concepts outlined in the Pyramid, and the use of the school cafeteria to reinforce those efforts will provide a very strong message to students. Additionally, the Food Guide Pyramid underwent extensive testing (including with children) before its adoption.

3. We also believe that providing schools with a food based menu system will allow schools to reach the USDA goal much more quickly than proposed in the regulation. In fact, we believe that most schools could do this by July 1, 1996, if the modified meal pattern is developed in the next 6 months. We request that this food based menu system be developed by USDA with assistance from ASFSA, nutrition scientists, and the National Food Service Management Institute.

(ASFSA Final Draft Comment, Page 2)

Local governments as well as state and federal governments will spend less money to implement the DGA's using a food based menu system than will be spent with NSMP, where not only hardware and software would need to be purchased, but extensive training of the school and state staff would be necessary. This, coupled with the new infrastructure needed by USDA to provide the support necessary by both the State Agencies and the School Food Authorities (SFA) for NSMP and ANSMP, will make implementing NSMP and ANSMP very expensive.

4. The food based menu system would be supported by existing resources and programs. ASFSA has actively promoted the implementation of the DGA's through numerous programs developed by the Association, including our model Nutrition Integrity Policy, the Healthy E.D.G.E., "Keys to Excellence: Standards of Practice for Nutrition Integrity," workshops during or preceding every national conference, and promotion of programs developed by allied health associations, such as the American Cancer Society (Changing the Course), American Heart Association (Hearty School Lunch), the Beef Council (LunchPower), and the Associated Milk Producers Inc. (Target Your Market).

We will not only continue to provide these training opportunities, we will also give awards and recognitions to schools that have demonstrated successful implementation of the DGA's in their schools, including the recommendations of less than 30 percent of calories from fat and less than 10 percent of calories from saturated fat.

5. The new food based menu system would assure more fruits, vegetables and whole grains in their menus, as well as more choices, reinforcing the 5-A-Day program now being implemented in schools as well as retail channels.

6. As new healthful foods have gained popularity, schools have not always been able to offer them as a menu choice because they were not part of the "Meal Pattern." Lowfat yogurt is one example. We suggest foods that qualify as meal components be expanded, encouraging more variety and choices in school lunches and breakfasts.

7. The new food based menu system must put limitations on fortification. We urge USDA to adopt a fortification policy to prevent typically non-nutritious, high sugar, high fat foods from being super fortified and used to make a significant contribution to the nutrient standards. We also urge USDA to keep the standard whereby a juice must contain at least 50 percent real fruit juice to count as a reimbursable item. The requirement to provide servings from the food groups will reduce the advantage of serving highly fortified foods.

The USDA policy on fortification developed for use in the NSMP pilots provides a reasonable approach on this issue. The application of this policy and its results should be evaluated and considered for incorporation in the final rule.

NUTRIENT STANDARD MENU PLANNING NEEDS IMPROVEMENT

Nutrient Standard Menu Planning helps people to learn the mathematics of nutrition and the difference between micro and macro nutrients. Learning that there are more calories in a gram of fat than a gram of protein or carbohydrates is fundamental to menu planning with an eye toward disease prevention.

But the National School Lunch Program is a unique and special program with real, specific constraints. There is a constant pressure on local school food authorities to keep costs down and produce a reimbursable meal as inexpensively as possible. As a result, if schools had NSMP and Assisted NSMP as their only options to meet the Dietary Guidelines, schools could be tempted to offer fewer fruits and vegetables, less whole grains, less milk and more "empty" calories.

Given these limitations, ASFSA can support the use of NSMP as one of the optional ways to meet the Dietary Guideline recommendations if several modifications are made:

1. First, NSMP, as proposed, is an untested federal mandate that may well increase the costs associated with administering the program. Clearly, USDA needs to thoroughly test this concept. We urge that the pilot testing of NSMP be permitted to run its full course, allowing the results to be analyzed, before widescale implementation, and publication of an interim rule. This would not prevent earlier implementation of NSMP by those School Food Authorities that are judged capable by the State Agency.

2. ASFSA urges elimination of weighted averaging as it is described in the proposal. This step of NSMP is complicated and time-consuming. It measures food choices by students--something that school foodservice professionals cannot control without limiting choices. The goal is to plan menus based on the nutrients available in the food, and this can be accomplished without weighted averages. This complex, detail-driven procedure would add to administrative paperwork burdens and costs. Additionally, schools selling a la carte items such as milk, juice and sandwiches will be required to separate these purchases from their current production records to meet the proposed "weighted average" requirements. This will add yet another layer of record keeping.

This process of weighted averaging changes the basic accountability of child nutrition programs from being responsible for planning meals that meet the reimbursable meal standards as offered, to being responsible for planning meals that meet the nutrient standards *as served*. The effect of this will be particularly evident in the case of offer vs. serve, where, for instance, the nutrient standard for calories may not be met by the offering of a meal with adequate calories because some foods are refused by some students. Therefore, child nutrition programs will look for foods that most students will take, possibly a dessert or other added labor food that will increase food and labor costs and may further detract from the consumption of basic fruits, vegetables and grains. This is an area that needs further study through the NSMP pilots.

3. ASFSA encourages the Department to combine the analysis of breakfast and lunch. Most of the children who eat school breakfast also eat school lunch. We are concerned about the food children eat over a period of time. Just as it makes good sense to average meals eaten over a week, it makes sense to average the two meals that schools offer. This more closely parallels the intended application of Dietary Guidelines for healthy diets.

The Dietary Guidelines are for all foods consumed, over time. They are not intended as "lunch" guidelines or "breakfast" guidelines. Applying the DGA's to lunch and breakfast separately could be seen as an effort by USDA to force children to consume a diet that is lower in fat than the DGA's intend.

Further, combining lunch and breakfast might serve as an incentive for schools to offer breakfast, a meal that is usually lower in fat than is lunch. School breakfast is a very important meal, particularly for low-income children. USDA must do more to reach children not currently served by the meal programs. Combining the nutrient/meal guidelines is one important step that would encourage schools to expand the breakfast program.

4. We question the financial impact statement published in the proposed regulations. USDA is familiar with the increased cost of purchasing lowfat items in its own commodity program, such as ground beef and cheese. Also, it is our understanding that the cost of the hardware and software for NSMP may be from $2500-$3500 per school based on USDA specifications for the pilot NSMP sites. For a large school district doing all of the menu planning and recordkeeping in the central office, this cost may be affordable. But for a small School Food Authority or one that uses "site based management" or one that allows special or individualized promotions by site, NSMP will need to be done at each site, requiring additional hardware, software, and more proficient site staff and staff training.

This cost will prohibit some schools from using NSMP and force them to resort to using the only other option offered in the proposed regulations - Assisted Nutrient Standard Menu Planning. ANSMP would decrease the flexibility that a food based menu system would allow. We are concerned that these options, NSMP or ANSMP, will result in lost participation, frustrated school foodservice staff and eventually a SFA that either ignores the DGA's or drops out of the program completely.

5. ASFSA urges the Department to provide an implementation and training calendar for NSMP by region. This would enable the Department to take into account the diverse challenges presented by each state and region of the country, and help address those issues of ethnicity and diversity that are increasingly a part of the meal planning process and the educational process in general.

ASFSA is concerned that the diversity of the school foodservice staff will present a barrier to NSMP implementation absent a well designed training plan. We have school foodservice personnel who do not read English as either a first or second language. What type of training is USDA prepared to provide to meet this diverse population?

6. ASFSA urges USDA to develop fortification standards. We are concerned that products may be developed that are preternaturally fortified and will, therefore, meet the nutrient requirements when, in their usually occurring form, they would not. The combination of the lack of a fortification policy, with the 1) lack of a dietary fiber standard, and 2) the requirement for only three menu items, will encourage fortification.

7. ASFSA recommends deletion of the requirement that an entree must be selected in offer vs. serve. It restricts student choice because it encourages SFA's to focus on the entree and deters students from making non-traditional food choices. It may also discourage menu planners from offering more fruits and vegetables since students do not have to take them. Also, we are troubled that there is no explicit definition of an "entree."

8. We are concerned by the proposal that would mandate that school foodservice professionals plan meals for four different age groups. This will complicate the menu planning process, especially in schools where more than one age group is represented.

9. While fluid milk is one of the requirements of NSMP, and there is a quantity requirement for breakfast, there is no quantity requirement for lunch. This is of significant concern to us. We would prefer the current milk quantity requirements for lunch. Osteoporosis is a growing problem in this country and has its beginnings in childhood. It seems wise to promote the consumption of lowfat milk in school meals, both to provide nutrients in childhood and to develop good lifetime eating habits.

ASFSA SUPPORTS THE FOLLOWING FEATURES OF THE PROPOSED REGULATIONS

1. The implementation date of July 1, 1998 for NSMP. We believe that it will take until that date to evaluate the pilot projects, provide training and put in place the necessary USDA infrastructure to make this plan successful.

2. The language encouraging schools to provide "adequate meal service times and periods to ensure that students can effectively participate in the school lunch program."

3. New language in 210.19 of this proposed regulation provides a beginning for a continuous improvement process type of review of school foodservice programs that focuses on the outcome rather than the process. This new language would set in place a system where technical assistance, rather than monetary overclaims, would follow reviews of the compliance with nutrition standards. This technical assistance would continue until compliance with the standards is met without the threat of financial penalty.

4. Nutrition disclosure, provided it is coupled with nutrition education. This would be an advantageous marketing tool for schools that wish to present the information. However, schools should not be mandated to provide the nutrient content of the foods offered, particularly if there are no nutrition authorities in the program.

5. The extension of the Coordinated Review Effort Review cycle from four years to five years.

ASFSA SUPPORTS ADDITIONAL REDUCTION IN PAPERWORK

We strongly urge USDA to appoint a commission made up of School Food Authorities, State Agencies, and paperwork reduction authorities to recommend ways to reduce paperwork in school food service programs. Results from the "Paperwork Reduction" pilots must be considered. One recommendation is the elimination of the verification requirements and on-site review requirements, except as corrective action.

SPECIFIC COMMENTS

1. We would propose that CN labels be maintained, because of their potential usefulness in providing information for nutrient analysis as well as supporting a food based menu system.

2. USDA should ensure that a procedure is put into place whereby new, healthful products can be "credited" for incorporation into a food based menu system.

3. USDA enhanced the School Breakfast pattern by adding a fourth meal item in 1989. This was done to bring iron and vitamin levels up to the same levels as breakfasts eaten at home. The proposed regulation reduces the number of required food items from four to three, with the only reference point being one-fourth of the RDAs. Under the current pattern, school breakfasts approach one-third of the RDAs for these key nutrients. Because iron is closely linked to the learning process, the proposed change is a step backward in meeting the nutritional needs of children. We propose that four meal items be maintained for school breakfast under all options, NSMP, ANSMP and the proposed food based menu planning system.

CONCLUSION

We recommend that the next step of the regulations be issued in "interim" form, allowing the incorporation of the results of the NSMP pilots so that additional comments could be made.

We urge USDA to be flexible in its approach to the Dietary Guidelines for Americans to allow different options in meeting them, including the Nutrient Standard Menu Plan, the Assisted Nutrient Standard Menu Plan and a food based menu system. A strict application of the rule as proposed will be counterproductive in that it may result in schools leaving the National School Lunch Program and School Breakfast Program and fewer children being served.

High schools have been offering, for example, a greater and greater variety of foods in order to appeal to their customers. The NSMP, as proposed, will lead to greater uniformity, less variety, and fewer ethnic dishes. As the reimbursable meal offerings are limited, more students will choose a la carte, vending machine or snack bar foods for which no nutrition standards exist. If there were no options to NSMP, many high schools would have to choose between NSMP or leaving the National School Lunch Program. A nutrient analysis could be used to test compliance with the Dietary Guidelines, but not necessarily to plan meals for children.

As you know, a recent General Accounting Office report identified more than 300 schools that have voluntarily left the National School Lunch Program since 1989. One of the major reasons identified for the decision to leave the program was the administrative complexity and the current USDA regulations. When other federal programs were being deregulated during the 1980s, the National School Lunch Program was being over-regulated. A significant percentage of the total paperwork in local schools is now attributed to a USDA program--the National School Lunch Program.

The American School Food Service Association strongly favors implementation of the Dietary Guidelines. It is time to move forward, and to move forward together.

We are deeply concerned however, about the recent decline in participation (as a percent of enrollment) and we are concerned about those free and reduced price eligible children who do not participate in the National School Lunch and School Breakfast programs. We will fail the nation's children if in the process of implementing the Dietary Guidelines, participation drops and we lose schools from the program. In short, there needs to be a common sense approach to implementing the Dietary Guidelines.

(ASFSA Final Draft Comment, Page 7)

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**TESTIMONY OF ALLEN ROSENFELD,
DIRECTOR OF POLICY AND PROGRAMS
PUBLIC VOICE FOR FOOD AND HEALTH POLICY
BEFORE THE SUBCOMMITTEE ON DEPARTMENT OPERATIONS AND
NUTRITION, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF
REPRESENTATIVES**

September 7, 1994

Mr. Chairman, members of the subcommittee, I am Allen Rosenfeld, Director of Policy and Programs for Public Voice for Food and Health Policy. For the past five years, Public Voice has been the leading advocate for improvements in the nutritional quality of the school meals program. For most of those years, we were the lone voice for reform. Now I am happy to say, there is widespread recognition that while the need to feed hungry children is primary, it makes no sense to expose those kids to higher risks of heart disease, stroke and obesity in the process.

USDA's proposed regulations provide a watershed opportunity to translate these concerns into action in each of the nation's school cafeterias. Public Voice therefore strongly supports the proposal, but believes that it must be strengthened to ensure that the new regulations are an effective instrument for improving the nutritional well-being of school-age children.

The cornerstone of the proposal is the requirement that school meals meet the federal Dietary Guidelines for Americans for fat and saturated fat. Public Voice believes that these provisions represent a starting point for the construction of a truly nutrition-based, health-oriented initiative and should under no circumstances be weakened in the final rule. A major shortcoming of the proposal, however, is its failure to propose standards for other nutrients that are critical to chronic disease prevention, namely cholesterol, sodium, and fiber. Public Voice is therefore urging USDA to also set quantitative guidelines for these important nutrients based on levels recommended by the National Academy of Sciences and the National Cancer Institute.

One question that is persistently raised about school lunch reform is whether kids will actually be willing to eat lunches that have been prepared with significantly lower levels of fat, saturated fat, cholesterol and sodium. There seems to be a fear in some circles that kids will opt out of the school lunch program because tofu burgers and alfalfa sprouts will sweep

through the nation's school cafeterias as replacements for the bacon cheeseburgers, french fries and pepperoni pizzas that some think kids just simply cannot live without. To test this hypothesis, we contacted the real experts -- those school food service directors who are already serving up healthy menus in their schools every day. Last week, Public Voice released its sixth annual school lunch report, entitled Serving Up Success, which featured 41 case studies of programs that have substantially improved the nutritional quality of their meals. In nearly every case, student participation remained constant or increased after nutritional improvements were made.

Serving Up Success also helps to answer another key question: "Can the schools do this in a timely fashion?" Our case studies provide important evidence that schools can respond quickly and effectively when food service directors are given the opportunity to express their creativity, initiative and commitment.

One striking thing about the case studies is the wide variety of approaches that schools have used to improve their meals. Based on its research and discussions with school food service directors, Public Voice has concluded that, to make reform effective, USDA needs to give schools the maximum amount of flexibility feasible for achieving the new nutritional standards. Public Voice strongly supports the use of Nutrient Standard Menu Planning and Assisted Nutrient Standard Menu Planning as proposed by USDA. However, we also believe that menu plans developed by third parties such as the American Heart Association, and perhaps even some meal patterns, should be permitted, as long as nutrient analyses are used to demonstrate that these other approaches meet all of USDA's new nutritional standards consistently on a weekly basis. Given the diversity of schools in the program, the ends clearly justify the most flexible means of achieving them.

One of the aspects of the proposal that Public Voice finds most troubling is the implementation deadline. USDA proposes to give schools until the 1998/99 school year to meet the new standards, without offering a single line of justification for four more years of potentially substandard and unhealthful food in the schools. Public Voice finds this delay unconscionable. We have known for many years that reform of the school lunch program is a public health imperative; the time for action is now. If USDA believes that a few less-advantaged schools in both rural and urban areas will have difficulty complying before 1998/99, then a more appropriate response is to target those schools for technical assistance and additional flexibility in enforcing compliance. Public Voice has always been fully supportive of such measures, and is pleased that the agency's compliance program is geared toward helping schools to meet the requirements, rather than punishing them. The vast majority of the schools in the program, however, should be required to come into compliance by 1996/97, a full year-and-a-half after the final rule is published. It is worth noting that our report documented the successes of many less-advantaged schools located in low-income urban and rural areas. These schools found solutions to the tough problems they faced because they had the will to put nutrition first.

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Unfortunately, the same cannot be said USDA with regard to its commodity distribution programs. For too long, USDA has not been part of the solution because it failed to put children's nutrition first, ahead of the interests of farm commodity producers and food processors. There is little, if anything, in the current proposal that suggests that the Department as a whole has found a way to reorder these priorities. As reported first in Public Voice's Serving Up Success, over the past five years, the 1 billion pounds of subsidized food sent by USDA to schools through its commodity distribution program has provided between 47 and 50 percent of calories from fat, well over the 30 percent recommended by the Dietary Guidelines.

One does not have to be a mathematician to understand if this keeps up, schools will find it unnecessarily difficult to develop meal plans that meet the Dietary Guidelines. If USDA expects the schools to do so, the very least it can do is to help by cleaning up its own act. A good start would be the establishment of quantitative targets for fat reductions that will quickly bring the food distributed by USDA into line with its own nutrition standards.

Mr. Chairman, in its formal comments to USDA, Public Voice addressed these and other aspects of the regulatory proposal in much greater detail. I would ask that these formal comments be included as part of the record as soon as they have been submitted to USDA. At that time, we will be happy to provide copies of them to each member of the subcommittee.

In sum, Public Voice is pleased that so many involved in the school meals programs now agree that providing school children with abundant and palatable food is not incompatible with improving the nutritional quality of that food. With the right changes, USDA's proposal can turn those shared goals into concrete action that will help safeguard the health of the nation's youth. We look forward to working with the agency, and with Congress, to ensure that such objectives are met as rapidly and effectively as possible.

I want to thank you for inviting Public Voice to present its views on this timely and critical public health issue. I look forward to questions from you and other members of the subcommittee.

(Attachment follows:)

Serving Up Success

Schools Making Nutrition A Priority

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Public Voice for Food and Health Policy

Public Voice for Food and Health Policy is a national, nonprofit research, education, and advocacy organization that promotes a safer, healthier, and more affordable food supply. Public Voice advances the interest of all Americans by fostering food and agriculture policies and practices that enhance public health and protect the environment.

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Introduction

In June 1994, the U.S. Department of Agriculture (USDA) announced an unprecedented initiative to improve the nutritional quality of school meals. Hailed as the biggest change in the National School Lunch Program (NSLP) since its creation by President Truman in 1946, the initiative addressed many of the shortcomings identified by consumer and public health organizations in recent years.

As with any federal proposal, debate over the comprehensiveness of the proposed program soon ensued, kindled by extensive news coverage. Comments on the initiative are being drafted and discussions continue to be held in the halls of Congress and USDA, in the offices of child, health and nutrition advocates, in association headquarters, in the nation's newspapers and living rooms, and on the school lunch "frontlines" -- the offices and cafeterias of school food service personnel.

This report pays a visit to these frontlines. It shines a spotlight on school lunch programs across the country which have already begun to make significant changes in school meals. The 41 case studies featured in this report demonstrate that schools both small and large, urban and rural, have taken steps to put "nutrition first." Many schools have reduced the levels of fat and sodium, others have increased fruits, vegetables and grains available to students. Some have introduced nutrition education programs, others have brought in local chefs as consultants. More often than not, schools have taken many of these steps simultaneously.

The case studies in this report are not meant to be a comprehensive list of successful programs, or a representative sampling. The report is not a ranking of the 41 "top" programs in the country -- although many might appear on such a list if one were created. Rather, these case studies -- culled from countless conversations with food service professionals, nutrition advocates, and food industry representatives, as well as from newspaper and magazine articles -- simply demonstrate that nutritious school meals have already become a reality for many students. Even more significantly, these case studies offer a first-hand answer to the question, "But will the kids eat this stuff?" The answer is a resounding "yes," with lunch participation rates remaining constant or even increasing in these innovative school districts.

This report demonstrates that USDA's proposal is grounded in reality. It shows that the creativity, commitment, knowledge and technology to construct healthier lunches already exists from coast to coast. These case studies offer food for thought: if these schools -- and many more -- are already making healthful changes in their meals, why can't all schools implement USDA's recommended changes and other improvements promptly and thoroughly?

With many school lunches high in fat, saturated fat and sodium, and deficient in fiber, students are being done an injustice the longer we wait to make healthful changes. Day by day, eating habits are being formed that could offer hope for a healthier population or, instead, condemn another generation of Americans to increasing rates of obesity and diet-related diseases. But these examples lead the way and offer inspiration to policymakers and food service personnel alike that changes can -- and should -- be just around the corner.

Briefly, the purposes of this report are twofold:

- To illustrate how diverse schools from across the country have made healthful changes in their lunches and won student acceptance.

- To offer suggestions to school food service personnel and policymakers about how the basic components of USDA's initiative and other measures might be implemented.

1994: A New Climate for Nutrition Policy

After years of neglect by federal officials, the time is now ripe for improving the nutritional quality of the federal feeding programs. The Clinton administration has demonstrated an unprecedented commitment to the health of the nation and its children and, in particular, has noted that proper nutrition plays an important role in health promotion. With the appointment of Public Voice's founder Ellen Haas as USDA's Assistant Secretary for Food and Consumer Services, nutrition activism has taken a front seat at the agency. Improving the nutritional quality of school meals has now become a USDA priority.

USDA's recent proposal to have school meals meet federal dietary recommendations shows that the department is finally on the road to making its programs consistent with the latest science on diet and health.

Adding to the unique climate for change is a new consensus among organizations working on hunger, nutrition, health, education, and children's issues that the nutritional quality of the NSLP must be improved. In December 1993, a broad cross-section of leading organizations -- including Public Voice, the American Heart Association, American School Food Service Association, Children's Defense Fund, Food Research and Action Center, and National PTA -- sent a joint letter calling on Agriculture Secretary Mike Espy to require that school meals meet all national dietary recommendations. In addition, in April 1994, these groups and others released an extensive statement of principles outlining necessary changes in school meals (see Appendix).

In print and by poll, Americans from across the country have also expressed overwhelming support for change. Papers including the New York Times, Chicago Tribune, and Houston Post have called for significant improvements in school lunches. In addition, a recent national poll conducted by USDA found that 89 percent of Americans agreed that children should have healthier meals in school and 88 percent agreed that USDA should take action to improve the meals.[1]

As USDA develops its final regulations to mandate improvements within school meals, it does so with the strong expectations and widespread support of those inside and outside Washington. And there is no time to lose. Public health research continues to document the critical importance of proper child nutrition as a foundation for a healthy adulthood, yet study after study indicates that our children's eating patterns continue to put them at risk.

Childrens' Diets -- A Foundation for a Healthy Future

After decades of scientific research -- much of which is ongoing -- the link between diet and health is now well-documented. The *Surgeon General's Report on Nutrition and Health* (1988), the National Research Council's (NRC) report, *Diet and Health: Implications for Reducing Chronic Disease Risk* (1989), and many other reports provide ample evidence that high levels of fat, saturated fat and sodium can lead to chronic illnesses. These illnesses -- including heart disease and cancer -- contribute to our nation's escalating health care crisis.

Children's diets can be a key factor in diet-related illness. Research indicates that childhood obesity and other diet-related problems can have long-term health consequences. Lifelong eating patterns are often established by the age of 12,[2] and are difficult to change as adults. A recent study documented a disturbing increase in obesity rates, noting that one third of American adults are 20 percent or above their desirable weight.[3] Atherosclerosis often begins in childhood and adolescence[4] and underlies most coronary heart disease, the leading cause of death in the United States.

To prevent diet-related disease from gaining a stronghold during childhood, the NRC recommends that children over two years of age follow the federal Dietary Guideline recommendations for fat and saturated fat -- no more than 30 percent of calories from fat, no more than 10 percent of calories from saturated fat. The Council also suggests that sodium levels be limited to no more than 2,400 mg per day,[5] and the National Cancer Institute recommends that children consume 25 to 30 grams of dietary fiber per day.[6]

The Need for More Nutritious School Lunches

The NSLP has been successful in meeting the critical nutrition needs of America's children, particularly those from low-income families, by providing precious calories, vitamins, minerals and protein. However, there are well-documented shortcomings in the nutritional quality of its meals, which are too high in fat, saturated fat and sodium.

A number of studies -- including USDA's *National Evalu-*

ation of School Nutrition Programs (1983), *Continuing Survey of Food Intakes by Individuals* (1989, 1990), *Child Nutrition Programs Operation Study* (1992), *School Nutrition Dietary Assessment (SNDA) Study* (1993), as well as Public Voice's report, "Heading for a Health Crisis: Eating Patterns of America's School Children" (1991) -- document that school meals contain levels of fat, saturated fat and sodium that exceed national dietary recommendations. For instance, USDA's 1993 SNDA study reported that school lunches contain 38 percent of calories from fat and 15 percent of calories from saturated fat. The U.S. Dietary Guidelines recommend that no more than 30 percent of calories come from fat and no more than 10 percent of calories come from saturated fat. The SNDA study also reported that the average amount of sodium in school lunches is 1,479 mg, nearly two-thirds of the NRC's daily recommendation of 2,400 mg.[7]

Compounding the problem is the fact that students are not eating enough fruits and vegetables, as noted in reports such as Public Voice's "Making Room on the Tray: Fruits and Vegetables in the National School Lunch Program" (1993). In that study, Public Voice noted that one in three school lunches that children select include only one serving of a fruit or vegetable. Furthermore, nine out of ten children are not eating the recommended five servings of fruits and vegetables a day.[8]

Many factors have contributed to the poor nutritional quality of school meals. Among these has been the requirement that schools, in order to receive federal reimbursement, serve meals which meet the relatively inflexible structure of the federal Meal Pattern. Under this guideline, schools must provide meals with five food components (meat/meat alternate, two or more servings of a fruit and/or vegetable, bread/bread alternate, and milk) and meet minimal nutritional requirements. The Meal Pattern offers little nutritional guidance (i.e. it does not suggest offering baked chicken instead of fried chicken) and complicates planning meals based on key nutrients and recommended levels of fat, saturated fat and sodium. In addition, it restricts food service personnel's ability to serve a variety of foods that meet national dietary recommendations but fall outside the Meal Pattern (for example, serving yogurt as a protein and calcium source and rice and bean as the main course).

An additional factor which has delayed nutritional improvements in school meals is the limited nutrition education and training available to food service personnel to help them craft more healthful meals. Well-regarded programs such as those run by the American School Food Service Association, the federal government and others have not had the resources to reach all school food service professionals.

Lack of nutrition education is also a problem for the students, since classroom activities can make children more receptive to improvements in school meals.[9] Through health and nutrition education, students can learn the importance of a healthy diet, develop an ability to choose their own healthful foods, and acquire an appreciation for a variety of foods outside their customary food experience. Unfortunately, only five percent of schools provide comprehensive health education for students K-12.[10]

Another factor that has contributed to the poor nutritional quality of school meals is the questionable balance of commodities that USDA distributes to schools. Over the past five years, USDA commodities have comprised approximately 12 to 20 percent of foods in school lunches.

Public Voice's report, "Agriculture First: Nutrition, Commodities and the National School Lunch Program" (1992), highlighted the abundance of high-fat commodities being funneled into school meals through the surplus disposing commodity programs. USDA's own data indicate that over the past dozen years or so, the NSLP has become a "dumping ground" for surplus commodities, particularly high-fat dairy products such as cheeses and butter.[11] Current data indicate that this trend has not shown much improvement in recent years, despite USDA's year-old commitment to improving the nutritional mix of commodities being distributed to schools. As Table 1 shows, a disturbing half of the calories in USDA commodities come from fat, a level that has increased since 1990.

Table 1: Percent Fat from USDA Commodities, 1990-1994

1990	1991	1992	1993	1994	Five Year Average
50.3	46.7	47.6	50.8	51.3	49.3

Source: Compiled by Public Voice for Food and Health Policy using USDA data

Table 2: Commodity Distributions to the National School Lunch Program, Dollar Value and Volume, Bonus and Entitlement, 1990 and 1994

FOOD GROUP	YEAR	TOTAL EXPENDITURES		TOTAL VOLUME	
		Expenditures ($1,000)	Percent of Total Expenditures	Volume (1,000 lbs)	Percent of Total Volume
MEAT & MEAT ALTERNATES	1990	344,318	55.3	362,224	33.6
	1994	421,611	64.6	415,864	40.8
Beef	1990	132,891	21.3	105,166	9.8
	1994	151,288	23.2	119,287	11.7
Poultry	1990	92,356	14.8	119,656	11.1
	1994	122,299	18.7	143,185	14.1
Cheese	1990	21,509	3.5	15,965	1.5
	1994	70,669	10.8	53,968	5.3
FRUITS & VEGETABLES	1990	129,517	20.8	316,577	29.4
	1994	142,197	21.8	365,987	35.9
Potato Rounds & French Fries	1990	21,650	3.5	59,399	5.5
	1994	17,989	2.8	57,756	5.7
Fresh Fruits & Vegetables	1990	4,103	0.7	18,175	1.7
	1994	6,591	1.0	26,943	2.6
GRAINS	1990	36,012	5.8	253,551	23.5
	1994	21,776	3.3	138,748	13.6
BUTTER & OIL	1990	106,468	17.1	137,292	12.8
	1994	61,638	9.4	92,839	9.1
TOTAL	1990	622,644	100.0	1,077,813	100.0
	1994	652,671	100.0	1,018,392	100.0

Source: Compiled by Public Voice for Food and Health Policy using USDA data

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The recent history of USDA's distribution of fresh fruits and vegetables is a case in point. In the early 1990s, fresh fruits and vegetables have represented no more than 1.7 percent of the total volume of commodities distributed to the NSLP; in 1993, 12.8 million pounds of fresh fruits and vegetables were distributed. Under USDA's "Fresh Start" initiative launched in September 1993 in response to Public Voice's report, "Making Room on the Tray," the agency announced it would double the amount of fresh fruits and vegetables given to schools. While "Fresh Start" has more than doubled USDA's shipment of fresh fruits and vegetables to schools over the past year, its much-touted initiative has resulted in each student receiving only 8.8 additional ounces of fruit or vegetables a year -- the equivalent of two small apples.

Table 2 illustrates the above and also shows the overall lack of nutritional improvements in USDA's commodity program. Not only have fresh fruits and vegetables been increased only slightly, but grains -- another key source of fiber -- have been reduced significantly. At the same time, there has been little change in the highest fat commodities distributed to schools. Cheese, processed potatoes (rounds and fries), butter, and oil still make up about 20 percent of all commodity foods. Nearly 54 million pounds of cheese was distributed in 1994, the vast majority of which is processed and high in fat. While distribution of poultry, a lower fat source of protein, has increased, so has distribution of beef, which is much higher in fat and saturated fat.

By continuing to distribute commodities that are generally high in fat, USDA makes it more difficult for school food service personnel to meet federal dietary recommendations. For budget and other reasons, food service professionals are hesitant to turn down USDA commodities -- although it means they have to work harder to cut sodium and fat in other parts of the meals. USDA's inability to make significant changes in its commodity distribution system is likely a reflection of the Department's competing missions to stabilize farmers' prices and remove agricultural surpluses on the one hand, while improving children's nutritional well-being on the other. So far, children and their health remain the lower priority.

USDA's Blueprint for Change

With its recent school meals initiative, USDA has taken a major step toward ensuring that improvements in the nutritional quality of lunches are achieved. The proposed regulations create a sound foundation for school food service personnel to provide healthier school meals. Mandating that school meals meet the U.S. Dietary Guideline recommendations for fat and saturated fat represents a tremendous advance towards reducing diet-related illness. By eliminating the standard Meal Pattern, the regulations offer school food service personnel greater opportunities to create healthful meals that are appealing to students. The initiative also emphasizes nutrition education and technical assistance, necessary in both cafeteria and classroom to effect the called-for changes. In addition, new nutrition labeling of commodities helps food service personnel make the best use of these foods in planning healthful meals.

Filling the Gaps in USDA's Proposal

Although USDA's proposed regulations represent a major step toward achieving more nutritious school meals, they fail to do all that is needed to effect timely and comprehensive change.

Timeline

The most significant shortcoming in the regulations is that schools have until the 1998-99 school year to implement the government's own Dietary Guideline recommendations for fat and saturated fat, established in 1990. Given that there has been widespread agreement for years that school meals should be healthier, and that schools from coast to coast already have taken the lead to improve nutrition in their own programs, this timeline is far too slow. In December 1993, Public Voice and 11 other organizations -- including the American Heart Association, American School Food Service Association, Children's Defense Fund, Food Research and Action Center, and National PTA -- advised Agriculture Secretary Espy to implement changes by the 1995-1996 school year. "The time to move from studies to action is long overdue," the groups argued in a letter to Espy. "We urge USDA to issue regulations as soon as possible requiring that schools meet federal dietary recommendations by the 1995-96 school year."

Other National Dietary Recommendations

Another shortcoming in USDA's proposal is the lack of specific targets for sodium, cholesterol and fiber content. The proposal only sets specific standards for fat and saturated fat, as prescribed in the U.S. Dietary Guidelines. While the U.S. Dietary Guidelines do not offer specific recommendations for sodium, cholesterol and fiber content, recommended levels of these nutrients have been published by the National Research Council and the National Cancer Institute. These widely accepted standards, which represent the latest scientific consensus, should be incorporated into the regulations. Also, as national dietary recommendations are updated in the future to reflect current nutritional knowledge, the regulations should mandate that school meals meet the revised goals. The current proposal does not require this. With the government set to amend the U.S. Dietary Guidelines in 1995, this provision is particularly significant.

High-fat Commodities from USDA

An additional gap in the proposal involves the commodities that USDA distributes to schools. The proposal would do little to reduce the high-fat, high-sodium foods that presently are distributed to schools. Unless USDA moves aggressively to reduce its purchases of these foods and increase its purchases of non-fat milk and meat products, grains, legumes and fruits and vegetables, then commodities will continue to pose an obstacle for food service personnel trying to construct more healthful meals. USDA has a responsibility to place children's nutritional concerns on the same level as agricultural concerns, and must ensure that its own purchases do not dilute the objectives of its new initiative.

Successful Schools -- Leading by Example

Studies like USDA's *School Nutrition Dietary Assessment Study* (1993), show that 99 percent of school meals do not meet the U.S. Dietary Guidelines for fat and saturated fat.[12] Taken at face value, these findings provide little reason for optimism about the prospects for speedy improvement in the nutritional quality of school meals. The case studies in this report are evidence that this need not be the case. The schools examined are of many sizes, in many locations, and serve many types of students. Through their efforts to improve their meals, they offer practical examples and inspiration to others. Their successes show that change does not have to be radical, nor bad tasting, to be effective. Role models for reform, these case studies demonstrate that better quality lunches are easily within the grasp of the nation's schools.

Major Findings

1. **Many schools already have brought their meals into compliance with the U.S. Dietary Guidelines for fat and saturated fat.** Schools from coast to coast have already taken the lead in reducing fat and saturated fat in their meals by making minor changes and modifications. Schools have made improvements through a variety of means such as reducing red meat, increasing fruits, vegetables and grains, altering recipes, and adjusting purchasing and food preparation practices.

2. **In addition to reducing fat and saturated fat, many schools have been able to reduce the sodium content of their lunches.** By altering purchasing practices, relying less on processed foods, and removing salt shakers from lunch tables, substantial reductions in sodium levels have been achieved. Through the use of herbs and spices to replace salt, schools have been able to serve tasty, nutritious meals and maintain participation in their programs.

3. **Improvements in the nutritional quality of school meals have been made in a relatively short amount of time, without decreasing student participation in the meals program.** Healthful improvements in school meals do not have to mean drastic changes in what is served. Often, the changes are so subtle that students do not even notice. Small modifications in purchasing, preparation, and presentation techniques have allowed many schools to improve their programs in a short time. Schools have been able to keep children interested in consuming school lunches without a complete overhaul of their programs.

4. **Even small schools, rural schools, and schools in low-income urban areas, which may have limited funds and lack nutritionists and computers, have been able to achieve substantial nutritional improvements in school meals.** Schools that lack nutrition expertise and computer access have found efficient and innovative ways to evaluate and improve the nutritional content of meals. By altering purchasing practices, using menus and recipes that have already been developed by other districts as well as by organizations such as the American Heart Association, and by implementing simple changes such as using ground turkey instead of ground beef, baking instead of frying, and replacing salt with herbs and spices, schools are able to meet national dietary recommendations without making noticeable changes in appearance or taste.

5. **Diverse schools have used a wide range of approaches, including nutrient standard menu planning, to provide more nutritious meals.** Schools that have used some form of nutrient standard menu planning have been able to meet national dietary recommendations. Some schools have obtained waivers from the Meal Pattern, which allows them to increase fruits and vegetables, reduce meat, and offer additional items such as yogurt and trail mix. Other schools have been able to meet national dietary recommendations by using nutritious recipes and menus that have already been developed by other districts or by organizations such as the American Heart Association.

6. **By bringing in chefs as consultants and educators, schools have been able to prepare tasty, nutritious meals that students accept and enjoy.** Chefs and other food professionals have been able to help food service personnel meet national dietary recommendations, improve the taste and appeal of school meals, and make eating a fun experience. Chefs have also provided nutrition education to students, helped them appreciate where food comes from, taught them how to prepare healthful meals, and introduced them to diverse, ethnic foods. Also, as children have been given the opportunity to participate in menu planning, they have been more receptive to healthful changes in school meals. Schools that have

involved students in taste tests, menu and recipe contests, student advisory panels, and cooking demonstrations with chefs have noticed a more positive student attitude toward school meals.

7. **Innovative nutrition education programs in the classroom and cafeteria have made children more willing to try new foods and adopt more healthful eating habits.** When children are exposed to new foods and good eating habits through promotions, skits, fictional characters, contests, and healthful lunch lines, they more readily make nutritious choices and more easily understand the changes on their plates. Many schools have observed great improvements in the food choices that children make as a result of nutrition education in both the classroom and cafeteria.

8. **Little change has been made in the nutritional quality of commodities which USDA distributes to schools.** Overall, USDA commodities receive half their calories from fat. High-fat foods such as processed potatoes, cheese, butter and oil still make up about 20 percent of the mix of commodities provided to schools. Recent increases in fresh fruits and vegetables have meant very little on a per-child basis and grains have been decreased significantly. By continuing to distribute high-fat commodities, USDA makes it more difficult for school food service personnel to meet federal dietary recommendations.

Recommendations

1. **School meals should be required to meet national dietary recommendations by the 1996-97 school year.** Waiting until 1998-99 to implement nutritious meals as proposed by USDA condemns four more classes of students to lunches that are too high in fat, saturated fat and sodium. Many schools across the country have shown that meeting national dietary recommendations in a reasonable time period is technically possible. Even if USDA's school meals regulations are finalized as late as February 1995, school food service providers will have a full year and a half to make the purchasing and menu modifications needed to meet federal dietary recommendations.

2. **School meals should be required to meet national dietary recommendations for fat, saturated fat, sodium, cholesterol, and fiber.** High sodium levels have been associated with both heart disease and stroke. Specific numerical targets for sodium, based on scientific consensus and knowledge, should be met, as should targets for cholesterol and fiber. There is no public health reason for excluding these nutrients. Recommended levels -- as determined by groups such as the National Research Council and the National Cancer Institute -- for nutrients other than fat and saturated fat should be incorporated into USDA's final regulations.

3. **As national dietary recommendations are updated in the future to reflect current nutritional knowledge, school meals should be required to meet the revised guidelines.** As the U.S. Dietary Guidelines and other recommendations are updated to reflect current nutrition knowledge, USDA should incorporate these findings, based on standard up-to-date scientific consensus, into the National School Lunch Program. Otherwise, as new information comes to the forefront, schools with be locked into potentially outdated 1994 nutrition recommendations.

4. **Schools should be given the flexibility to meet national dietary recommendations through nutrient standard menu planning, assisted nutrient standard menu planning, or by other means that will improve the meals that are served.** Serving healthful meals is the goal that school food service providers should be working towards, and the means that they choose to accomplish this mission should not be an issue. As long as schools can confirm that they are in compliance with national dietary recommendations, they should be given the flexibility to reach these goals by any means they deem appropriate.

5. **USDA should establish goals and timelines for rapidly ensuring that the commodities that it distributes to schools conform to the U.S. Dietary Guidelines for fat and saturated fat.** By continuing to dump high-fat foods into schools through its commodity distribution program, USDA makes it more difficult for schools to improve their meals. USDA should provide foods to schools that promote, rather than undermine, schools' ability meet national dietary recommendations. Since USDA wants to require schools to meet federal dietary recommendations for fat and saturated fat, it can certainly lead the way by putting its own house in order. USDA should move more aggressively to reduce the high-fat, high-sodium commodities it distributes and increase purchases of reduced-fat, low-fat and non-fat dairy products, lean, extra-lean and low-fat meat and poultry products, grains, legumes, and fruits and vegetables. USDA should also define an explicit plan for revising commodity processing specifications to reduce fat and saturated fat levels.

6. **Additional funds, beyond those budgeted for Fiscal Year 1995, should be provided for nutrition education, training, and technical assistance for students, teachers, parents and school food service personnel.** It

is essential that these groups be given more information to ensure that nutritious meals are served by the National School Lunch Program. School food service personnel must have the nutrition knowledge necessary to provide good tasting, appealing foods that meet national dietary recommendations. Lessons in the classroom and the cafeteria should be linked with what is served on the plate.

7. **Schools should be required to provide nutritional disclosure of meals on menus that are provided to parents and students.** In meeting national dietary recommendations, school food service departments will be required to maintain the nutrient information of all school lunches. This information should be shared with parents and students on menus, newsletters, flyers, or by any other appropriate means. This nutrition data will provide parents with a greater understanding of the lunches that their children eat, educate them about ways to prepare more healthful meals at home, and help ensure that school food service professionals are serving nutritious meals to children.

8. **School administrators and food service professionals should be encouraged to ensure that all competitive foods sold in and around cafeterias promote federal dietary recommendations.** Food and drink available in a la carte lines or in vending machines can play an important role in promoting healthful eating habits among children. Many schools have taken the initiative to offer students low-fat snacks and juices, while others have banned this additional food entirely. Without careful attention to such foods, they can serve to undermine innovative and effective nutritional improvements made in school meals. To the extent that USDA has authority, the agency should see that these foods comply with the dietary recommendations that school meals must now meet.

(The complete report is held in the committee files.)

The following groups support the ABCD Coalition Statement of Principles and Recommendations:

American Academy of Pediatrics
American Association of School Administrators
American Cancer Society
American Culinary Federation
American Dietetic Association
American Heart Association
American Heart Savers Association
American Institute for Cancer Research
American Nurses Association
American School Food Service Association
American School Health Association
Bread for the World
Careers Through Culinary Arts Program, Inc.
Center for Science in the Public Interest
Center on Hunger, Poverty and Nutrition Policy, Tufts University
CHEFS, Chefs Helping to Enhance Food Safety
Children's Defense Fund
The Children's Foundation
Citizens for Public Action on Blood Pressure and Cholesterol, Inc.
Consumer Federation of America
End Hunger Network
Florida Department of Citrus
Food Research and Action Center
Hunger Action Coalition
Kids Against Junk Food
National Association of Elementary School Principals
National Association of State NET Coordinators
National Black Child Development Institute
National Consumers League
National Education Association
National Parent Teachers Association
Public Voice for Food and Health Policy
Second Harvest
Washington Apple Commission- "Healthy Choices for Kids"
World Hunger Year
Vegetarian Resource Group

(Additional attachments are held in the committee files.)

Nutrition Objectives for Schools Meals: Proposed Rule

Testimony by

Lynn Parker
Director of Child Nutrition Programs
and Nutrition Policy

Food Research and Action Center
(FRAC)

before the
House Agriculture Subcommittee on Nutrition
and Department Operations

September 7, 1994

Mr. Chairman, and members of the Subcommittee, thank you very much for inviting the Food Research and Action Center today to testify before this Subcommittee on the Department of Agriculture's Proposed Rule on Nutrition Objectives for School Meals. This is a very important issue for us at FRAC and we appreciate the opportunity to share our views with you and your staffs.

As you know, FRAC is a national nonpartisan, research, public policy and legal center working to eradicate hunger and undernutrition in the United States. We serve as a support center, coordinating body, and clearinghouse for a nationwide anti-hunger network comprised of thousands of individuals and agencies.

Summary of Testimony

While strongly supporting the goal of making school meals more healthful, FRAC is concerned that the strategy chosen by the Department and the way in which it is to be implemented could have a negative impact on low-income schoolchildren. The proposed regulations, if not revised, have the potential of causing schools to drop out of the school meals programs (thus depriving children of meals they need), and of actually decreasing the quality of some school meals.

Described below are the changes in the proposed regulations which we believe are necessary to safeguard the effectiveness of the child nutrition programs while attempting to reduce their fat content. Included in our recommendations is the need for testing major changes such as these which affect over 90,000 schools and 25 million children.

Finally, we applaud the Department for taking leadership on this critical issue, and for its sensitivity to the importance of depending on corrective action rather than punitive sanctions in monitoring compliance with these regulations. In addition, we strongly support its efforts to raise the visibility of the very important issue of providing children with enough time to eat.

Overall Concerns About the Nutrient Standard Approach

FRAC believes that low-income children should receive the most healthful and attractive school meals possible, especially since they depend on school meals for a significant proportion of the nutrients they take in every day. Over 25 million children eat school lunch every day, over half of whom are low-income, and schools breakfasts have been shown to provide them one-third or more and one-fourth or more, respectively, of their Recommended Dietary Allowance for key nutrients. Because school meals are still voluntary in the vast majority of states and schools, FRAC is concerned about regulations that have the potential to discourage schools from participating in the child nutrition programs, and therefore have a negative impact on children's diet, and thus their growth and development and their family's food security.

FRAC believes that the nutrient standard and assisted nutrient standard approach require a level of resources, equipment and trained personnel that are not currently present in many schools and school systems. The use of these methods requires computers, software, and staff who understand how to use nutrition analysis software and apply the complex set of menu planning and evaluation steps required by the regulations, or the monetary resources to acquire them. (For example, in California, where a version of nutrient standard menu planning was piloted by the state, every three school districts were provided with thousands of dollars in additional funds, in part to hire a required dietitian at least part-time to assist in implementing the new meal planning method.) USDA presents no evidence in the regulations that schools or states are capable of handling this new burden, nor do they present a systematic plan on how the resources to implement these changes will be provided from outside.

One example of the extra burden inherent in the nutrient standard approach as currently proposed is that breakfast and lunch data must be càlculated separately. This requires much more paperwork and complexity, and yet is inconsistent with the assumptions behind the Dietary Guidelines - that diets should be evaluated as a whole. New paperwork requirements are not an idle concern for schools. Much of the current paperwork required for schools for overall operations comes from their participation in the lunch program -- some estimates are as high as 40 percent of total schools record-keeping. Hence schools are paying more attention to new federal mandates that they believe are unfunded or underfunded.

The other major area of concern about the approach these regulations take is that it runs counter to the way educators are currently attempting to teach children and their parents about nutrition. Teaching is based on the food pyramid -- numbers of servings of the kinds of foods that one should consume to eat healthfully. The pyramid approach recognizes that people do not, and need not, plan their days' meals using a computer and nutrient goals. In the real world people, including children, need to learn to make choices among the foods they know are available, and choose amounts and kinds of foods that make up a healthy diet.

The nutrient standard approach depends solely on five nutrients, calories, and fat. Further, this approach does not prohibit the use of fortification to achieve these goals, and does not specifically require that any amount of fruits or vegetables or grains be served. Therefore, FRAC is concerned that this may result in fewer fruits and vegetables or less bread being served than is currently required. For example, requirements for vitamins A and C can be met easily through fortification (e.g., a fortified "fruit-flavored drink"). Inexpensive calories could be added to reach the one-third RDA goal for calories by using large amounts of sugar in selected menu items. These "solutions" would be counter to the letter and the spirit of the U.S. Dietary Guidelines, but there would be nothing in the regulations, as currently proposed, that would prohibit their implementation.

Revisions Needed in the Nutrient Standard and Assisted Nutrient Standard Approaches

Based on the concerns raised above, FRAC recommends seven major changes in the regulations:

Development of a third option: a modified meal pattern -- Because of the complex and resource-intensive nature of the proposed regulations, FRAC urges the Department to develop a third option -- a modified meal pattern, which, in conjunction with some crediting changes and simple instruction on food preparation and selection pointers, would meet the nutrient, calorie, and fat goals. The success of a food-based meal pattern in being user-friendly for generations of school food service personnel of widely varied education and training levels, **and** in meeting the nutrient goals of the program for almost 50 years, should not be forgotten or underestimated. (This option would also allow more creativity in recipe development and menu planning at the **local** level, would support on-site preparation where it is currently done, and would allow for much more attention to ethnic diversity in meals served in different schools within the same school district.)

Regulatory language controlling the use of fortification to meet nutrient goals -- Because of the concerns expressed in the previous section, FRAC believes that it is essential, if the nutrient standard is used, to include in the final regulations language that controls the use of fortification to meet the nutrient goals. If this is not done, it is likely that fortification of products with little or no fruit or vegetable content to meet the vitamins A and C goals will lead to fewer vegetables and fruits being served in the school meals programs. This would run counter to the other Dietary Guidelines -- to increase the variety of foods consumed and to increase servings of fruits and vegetables in the diet. It would also run counter to the goal of using indicator nutrients such as vitamins A and C -- to ensure the presence of other nutrients usually associated with vitamins A and C when they occur naturally in foods.

In California, where a version of nutrient standard menu planning has been piloted, language was successfully developed and implemented to control fortification as a method to achieve nutrient goals.

Specification of serving fruits and vegetables and grains -- Along with the language about fortification, an additional way to ensure variety, and the serving of more fruits and vegetables and grains, would be regulatory language requiring that these foods be served.

Combining fat calculations for Breakfast and Lunch -- Because the dietary guideline of 30 percent of calories from fat and 10 percent from saturated fat is for the total diet over time, FRAC believes the percentage fat calculation should be done combining both breakfasts and lunches.

A plan for provision of resources and training -- Considering the complexity, as well as resource and equipment needs involved in the implementation of the proposed methods for meal planning in the regulations, it would be very helpful if a plan were developed and made available by the Department on how the resources and training can and will be provided at the state and local levels to comply with the regulations. Such a plan would require at least some review of the technology, expertise, and financial resources available at the state and local levels to meet the requirements of the regulations.

Testing of the new standards -- The nutrient standard approach is a major change in a program that feeds over 25 million children nationwide in over 90,000 schools, serves approximately three-fourths of the low-income children in this country, and has the potential of negative consequences for all schools and children. Therefore, the new standard should be tested and evaluated by the Department **before** it is required in schools nationwide. There are currently too many unknowns to require it nationally without some evaluation of its potential impact -- both benefits and pitfalls. (It is these concerns about the experimental nature of this approach which in part prompt FRAC's earlier recommendation of developing the third option of a modified meal pattern.)

Interim regulations and a mid-course review -- For the same reasons raised above for "Testing of new standards," these regulations should be published first in an interim form for a specific period of time -- to allow for further comment as they are implemented. This will also allow for a mid-point evaluation by the Department to ensure that the regulations are having their desired effect, and are not decreasing student or school participation in the programs or jeopardizing the growth and development of young children. Interim regulations will allow the Department to move forward while also allowing program advocates and program providers an opportunity to give further comment on how these new regulations are working.

Positive Aspects of the Regulations

The most positive aspect of these regulations is that they show a willingness on the part of the USDA to take a leadership role in improving the healthfulness and appeal of school meals, and in taking full advantage of the educational potential of school meals

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programs. In addition, there are a number of other positive aspects of the regulations that FRAC strongly supports:

Calculation over a week's time -- The Department is following the spirit of the Dietary Guidelines in calculating the percentage of fat from calories as an average over a week's time rather than on a per meal basis.

Emphasis on corrective action over punitive sanctions -- By stressing correction over sanctions, the Department recognizes the importance of safeguarding the availability of school meals to children. FRAC supports the emphasis in the proposed rule on helping schools that are having difficulty complying with the regulations to develop corrective action plans that allow them to comply, rather than applying punitive sanctions that make it more difficult to operate the programs.

1998 deadline for implementing the changes -- FRAC applauds the Department's allowance of a significant time period for schools to make the complicated and time-consuming changes proposed by the regulations.

Taking leadership on improving the context in which school meals are provided: enough time to eat; marketing changes in school meals; provision of nutrition education -- FRAC supports the stress given in the regulations and the preamble on the importance of: (1) allowing children enough time to eat, (2) marketing changes in the school meals programs to children and their families, and (3) providing of nutrition education to students that is related to what is being served in the school meals programs.

Conclusions

In summary, in spite of FRAC's reservations about the proposed strategy for meeting the Department's goal to incorporate the Dietary Guidelines into the school meals programs, we are very much in agreement with the goal itself and applaud the Department for taking leadership on this issue. However, the nutrient standard strategy as currently proposed does not work as well as it should because of the problem areas outlined above. In addition, the nutrient standard and assisted nutrient standard approaches should not be the only allowable ways to meet the Dietary Guidelines in the school meals programs. A modified meal pattern should be included in order to allow for the successful implementation of the Dietary Guidelines in the school meals programs.

The key to successful implementation of the spirit of these regulations is to better understand their potential impact before final implementation, and to plan for the provision of sufficient training, equipment, and financial resources to implement them. Currently, there is a lack of information about the potential impact of these regulations on the meals produced. Also there is a lack of information on how the department plans to ensure that schools have access to the equipment, training, technical assistance and financial resources they will need to implement the changes so that the future existence of local programs is not jeopardized. These lacks should be corrected, and the regulations revised as outlined above, in order to truly achieve the Department's laudable goals for school meals programs.

Finally, it is important to remember that while the School Lunch and School Breakfast programs and other child nutrition programs reach millions of children, millions of other children in need do not have access to these meals.

A key aspect of improving children's nutritional well-being is to ensure access to child nutrition programs in their communities. USDA can play a crucial role in making this happen through its program policies and outreach efforts, and by working for the removal of barriers to participation by schools and sponsors and the financial incentives necessary to allow and encourage program expansion. We hope that the future regulatory and legislative efforts of the Department of Agriculture reflect this continuing need.

Mr Chairman, FRAC appreciates this opportunity to share our views on the regulations with you and members of the Subcommittee. Thanks very much for your interest and your time.

The National PTA

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Statement of
THE NATIONAL PARENT-TEACHER ASSOCIATION
regarding
USDA's PROPOSED RULE GOVERNING THE SCHOOL MEALS PROGRAMS

Oral Testimony Presented by
Vicki Rafel
Maryland State PTA President

Good Afternoon, Mr. Stenholm and other members of the Subcommittee.

I am Vicki Rafel, president of the Maryland PTA, and a member of the National PTA's Board of Directors. I have been an active parent volunteer for over twenty years, serving as president of my local PTA and the Montgomery County Council of PTAs. I also served on the Montgomery County Board of Education and worked as a legislative aide in Annapolis. I am pleased to have been asked to testify before the House Agriculture Subcommittee on Department Operations and Nutrition today.

The U.S. Department of Agriculture (USDA) has invited public comment on a recently published Notice of Proposed Rulemaking (NPRM) governing the school breakfast and lunch programs. This proposed rule, which would amend the nutrition standards now applied to the school lunch and breakfast programs, is the subject for today's hearing. The National PTA is responding to USDA's invitation, and will present its comments in this statement.

The National PTA, which represents almost seven million parents, teachers, students and other child advocates, has a history of active involvement in child nutrition. In the late 1800's the first PTA members organized "penny kitchens", which provided meals to children who had no food. Later attempts to organize volunteer school meals expanded at schools around the country, and eventually the federal government got involved and enacted the National School Lunch Program. Ever since, National PTA has continued to be involved in assuring that the programs are expanded, improved, and available to students throughout the country.

We applaud the USDA's current efforts to improve the school meals programs. This call for comment on the NPRM is part of an overall campaign to improve the nutritional quality of the meals children eat in schools. For the past year, USDA has gone out of its way to seek public comment on its efforts to improve the nutritional quality of school meals. Many PTA members testified at field hearings and submitted comments on the Agency's earlier nutrition proposals. We commend the Department for its willingness to work with parents on this issue.

In addition, the Agency, in cooperation with the National PTA, launched another important initiative last week when it released a guide for parents, entitled "The Parents' Guide for Healthy School Meals". USDA recognizes the importance of involving parents in the school meals programs and has taken a leading role in advancing this type of involvement. USDA, with the active assistance of the National PTA, will be distributing these materials to parents around the country and encouraging parents and families to get involved.

The major goal of USDA's proposed rule is to lower the fat content of meals served in America's schools. We support the basic guidelines in the NPRM, which will require that school meals provide, on average, no more than 30 percent of calories from fat, and less than 10 percent from saturated fat. In fact, we support all of the "U.S. Dietary Guidelines for Americans," the document used as the basis of this requirement.

The basis for the National PTA's support of federal child nutrition programs comes from our organization's legislative directive that states:

National PTA supports legislation to sustain, improve and expand federal child nutrition programs, including schools meals and anti-hunger efforts.

However, there are two other, very important legislative and education policies, approved by our membership, that we are relying on to make our recommendations about the proposed rule.

First, National PTA believes that "all federal legislation concerned with education and child welfare must include provisions which ensure *maximum state and local control.*" Second, the National PTA supports federal legislation toward the following goal , "to encourage parental involvement, an essential part of the PTA mission, by promoting an environment which parents are valued as primary influences in their children's lives and *essential partners in their children's education and development.*"

Thus, the principal goals underlying our comments on this proposed rule are to:

- improve the nutritional quality of school meals;
- grant local schools maximum flexibility in administering the programs; and

- involve parents as full partners in planning and implementing effective school meals programs.

While we applaud the USDA for its leadership in developing this rule, we request some modifications to the proposal to assure that schools are able to comply without compromising students' access to free and reduced-price meals, and to maintain the effectiveness of the programs. Following are our recommendations for how the rule needs to be changed.

- Many individual schools, and school systems, do not currently have the computer equipment nor the properly trained staff to follow the Nutrient Standard Menu Planning (NSMP) system outlined in the NPRM. Even if a school had the computer equipment, they would need personnel who understand dietary analysis, and can apply the complex set of menu planning and evaluation processes required by the regulation. **We recommend that a third option be developed, based on the current, successful food-based, meal pattern system, which could be modified to meet the desired nutrient, calorie and fat goals.** If this third, modified option is not adopted, we recommend that USDA provide direct assistance to schools to acquire the equipment they need to comply with the NSMP system, rather than rely on the Assisted Nutrient Standard

Menu Planning (ANSMP) system, which limits schools' flexibility and control in menu planning and food preparation.

- We are concerned that there is not sufficient assurance that USDA will be able to provide schools with adequate funding, training, or informational resources to help them meet these proposed standards. **The Department should be required to develop a plan, with maximum input from parents and school officials, describing the *actual* resources and training that will be made available to states and schools to help them comply with the regulations.**

- The NPRM should not require that the nutrient data be compiled separately for breakfast and lunch. Aside from the added work involved, this seems contrary to the Dietary Guidelines, which are *not* applied on a meal-to-meal basis. **Instead, the approach in the rule should be more focused on better nutrition, based on an overall diet, using concepts that children are hearing about in schools like USDA's food pyramid, or the "five a day" campaign to encourage eating more fruits and vegetables.**

- The regulations focus primarily on five nutrients and calories, but do not prohibit "fortification" to achieve these goals. In other words, schools could serve overly "fortified" foods that meet certain vitamin or nutrient requirements. In addition, the rule does not require that any amount of fruits, vegetables or grains be served. This could be a real problem at schools trying to cut costs, because they could eliminate these items entirely, to save money. **The rule should strictly limit fortification of foods and require specifically that the amount of fruits, vegetables and grains served are increased.**

- We are concerned that this new system will create increased complexity, causing schools to drop their school meals programs. The programs are voluntary, but over 90,000 schools participate nationwide. Nearly 25 million children eat the school lunch each day, and over half of them qualify for reduced-price or free meals. Despite that success, however, hundreds of schools have dropped out of the program in recent years, in part, because of the increased regulatory burden associated with these programs. **We would like to see the results of an evaluation of the NSMP demonstration projects that are currently ongoing. This would provide good information about how this system works before it is required of all schools.**

- We believe the nutrient standard system would move schools more toward uniformity, and away from the innovative programs they have been creating to draw students into the program. For example, many schools now offer salad, pasta or vegetable bars, which are nutritious, but difficult to analyze. It would also be more difficult for schools using the standardized, pre-planned menus under the assisted analysis option, to offer special-theme or ethnic menus that are very popular in some schools. **The regulation should allow *maximum local control* in developing menus, and in planning and preparing food.**

- While the NPRM would also require that schools need to decrease sodium levels and increase the amount of fiber, it offers no standard or guidelines, or even goals for schools to meet. **The rule should give more guidance or set goals for meeting all the dietary guidelines, not just fat.**

In taking the opportunity to offer these specific changes to the rule, we would also like to comment on a number of positive aspects we see. For example:

- The NPRM moves away from using a nutritional analysis of meals on a per day basis. The ability to average a week's worth of meals is good, although schools should not be required to calculate the nutritional quality of breakfast and lunch separately.

- The intent of the NPRM, regarding the Agency's response to schools not in compliance with the rule, is focused on correcting the problems and not punitive if the schools are acting in good faith to comply. We support the Department's goal to protect children's access to school meals while schools are taking action.

- In the NPRM, USDA encourages school food service workers to work with school officials to assure that adequate meal times and facilities are provided. USDA also notes the importance of explaining changes in the school programs to children and their families, and of promoting more nutrition education tied in with what is served in the school meals programs.

Before closing, I also want to comment on the successful history of the child nutrition programs. Ever since these programs were established, schools have been required to comply with a food-based meal pattern system that was created by USDA specifically for these programs. For nearly fifty years this system has worked well. In fact, the school lunches have consistently provided children with one-third or more of their Recommended Dietary Allowances (RDA) for key nutrients and the breakfast program provides one-quarter or more of the RDA. Although the U.S. Dietary Guidelines for All Americans were first published in 1985, they were not applied to children until 1990. In that short amount of time, schools nationwide have been revising menus to lower the fat content in their meals, and many already serve lunches that meet the dietary guidelines.

Finally, I would like to include, for the record, some other steps we believe need to be taken to improve the federal child nutrition programs. We would like USDA, working with Congress as needed, to:

- improve the nutritional quality of the commodities provided to schools;

- request, in its annual budget, increased funding for technical assistance and support programs to schools, and for increased reimbursement levels for the meals programs.

- develop a universal meals program to test the feasibility and effect of providing meals to all children regardless of income, while freeing school food authorities from verification activities and allowing them more time for planning and training.

Thank you for the opportunity to present our views. I would be happy to respond to any questions you have at this time.

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American Heart Association
Office of
Public Affairs

Dedicated to the reduction of disability and death from cardiovascular diseases and stroke

THE AMERICAN HEART ASSOCIATION CONGRATULATES USDA ON THE SCHOOL MEALS INITIATIVES

September 7, 1994

The American Heart Association, a leading voluntary health organization, applauds Secretary Espy and Assistant Secretary Haas on their work to revamp the school meals programs and improve the diets of the nation's children. Over the past year the U.S. Department of Agriculture has embarked on a mission to change the national school lunch and school breakfast programs, so that schools meals will conform to the 1990 Dietary Guidelines for Americans. All through this monumental task, the USDA has proven to be an effective and efficient leader. The nation can expect that all school children will be served healthy and nutritious school meals that conform to the recommended dietary guidelines.

It is a tragedy that almost 50 years since the inception of the school lunch program, today's school meals are still based on the health problems associated with the 1940s. Today the health problems of American children and adults stem from diets that include an excess of fat, saturated fat, calories, cholesterol, and sodium, as well as deficiencies of dietary fiber, iron, and calcium. However, the school meals served today do not reflect current science nor do they reflect current classroom teachings. Under the USDA's guidance we can be assured that school meals will finally catch up with 1990s science.

Behaviors which increase one's risk for cardiovascular disease, such as poor diet, usually are established during childhood and persist into adulthood. These eating habits may set the stage for good health in the adult years. The chances of heart disease can be reduced and perhaps, even prevented, if steps are taken early. It is extremely important that children receive healthy and nutritious meals. There is no better place to reach the vast majority of children than in the school cafeteria. On a typical school day, almost 25 million children at about 93,000 schools receive lunch through the National School Lunch Program.

Studies and programs reveal that if schools are given adequate flexibility and assistance, school food service directors can meet federal dietary recommendations well before 1998. Organizations such as, the American Heart Association, Public Voice, American School Food Service Association, and

National PTA, all agree that schools can meet federal dietary recommendations by the 1995-1996 school year. These organizations also provide a variety of programs and methods to help the school systems meet the dietary guidelines.

The American Heart Association's, **Hearty School Lunch** is a prime example of a proven program to help schools achieve dietary recommendations. Since the 1970s, the AHA has been working within the educational system to encourage schools to serve healthy low-fat and low-cholesterol meals and to educate students about good nutrition. In 1992-1993, our preschool, elementary school, secondary school, and high school lunch programs reached 18.1 million students, emphasizing the importance of good nutrition in preventing heart disease. The **Hearty School Lunch** program provides heart-healthy menus, recipes, and nutrition information to the schools. This enables school food service personnel to provide menus with no more than 30 percent of calories from total fat content and less than 10 percent of total calories from saturated fat. The low-fat menus meet USDA School Lunch Meal Pattern Requirements and use food commodities common to schools.

Schools must be given the flexibility to meet dietary guidelines, by any means possible. Schools might choose to use the AHA's **Hearty School Lunch** or a modified meal pattern or new "food based menu system" as an option to the proposed Nutrient Standard Menu Planning. Schools should be given these options so long as the school meals meet the government's strict definition for dietary guidelines. The end goal, the health of our children, must not be jeopardized.

It is imperative that the USDA undertake initiatives and programs to enable child nutrition sites to comply with the national dietary recommendations, and provide adequate resources to carry out these activities. With the coordination of all interested parties, implementation of the school meal program can be met by most school systems well before 1998, as was demonstrated by Public Voice for Food and Health Policy's August 1994 report, *Serving up Success: Schools Making Nutrition a Priority*. Public Voice's case studies of 41 schools from around the country, clearly show that schools are currently implementing significant healthful changes in the nutritional quality of school meals.

For too long school children have been eating school lunches with an average of 38 percent of calories from total fat and 15 percent of calories from saturated fat. Yet the health agencies and federal government preaches a diet with an average of 30 percent of calories from total fat and 10 percent of calories from saturated fat. In order to cut children's future risk of developing heart disease, children must learn and practice heart-healthful eating habits. To do that governmental programs must be designed and implemented with those objectives in mind. It is time for our children to be eating the diets we have recommended.

(Attachment follows:)

American Heart
Association
Fighting Heart Disease
and Stroke

Hearty School Lunch

FACT SHEET

WHAT: **Hearty School Lunch**, a program of the American Heart Association.

WHO: **Hearty School Lunch** targets school food service directors. More than 24 million students receiving school lunches could benefit from this program.

WHERE: **Hearty School Lunch** has the potential to be implemented in more than 17,000 school districts nationwide. States currently having or introducing **Hearty School Lunch** include Alabama, Arizona, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Montana, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Utah, Vermont, and Washington.

WHEN: AHA affiliates began offering the **Hearty School Lunch** program to school food service directors in September 1992.

WHY: Research suggests that children's eating habits may affect their:

- ability to concentrate and learn;
- energy level;
- resistance to ordinary illnesses;
- athletic performance;
- endurance; and
- growth.

Medical research has shown that what we eat in childhood may set the stage for good health – or bad – in the adult years. The **Hearty School Lunch** program and other AHA school programs (e.g. *Getting to Know Your Heart*) encourages students to make healthful food choices.

HOW: School food service directors can use more than 90 **Hearty School Lunch** preplanned menus or create their own. The program helps these directors provide tasty meals that are also low in fat and cholesterol.

ENDORSED BY:

- American School Food Service Association
- American Academy of Pediatrics
- American Dietetic Association

CONTACT: Your local American Heart Association office,
call 1-800-AHA-USA-1 (1-800-242-8721), or write to **Hearty School Lunch**,
American Heart Association, National Center, 7272 Greenville Ave., Dallas
Texas 75231-4596

CALIFORNIA DEPARTMENT OF EDUCATION
721 Capitol Mall P.O. Box 944272
Sacramento, CA 94244-2720

September 6, 1994

Honorable Charles W. Stenholm, Chairman
1301A Longworth House Office Building
Washington, D.C. 20515-6001

Dear Congressman Stenholm:

The California Department of Education wishes to submit testimony as part of your Congressional hearing scheduled for September 7, 1994, on U. S. Department of Agriculture's (USDA) proposed rules published June 10, 1994, entitled School Meals Initiative for Healthy Children.

The Department commends USDA for taking a leadership role in emphasizing nutrition in the National School Lunch Program and School Breakfast Program. This is a significant step forward in the integration of school nutrition programs with the 1990 Dietary Guidelines for Americans. We believe the emphasis on nutrition will improve the nutrition integrity of the school meals and provide children with a consistent nutrition message. It also enhances the development of a comprehensive school health system as part of an environment that supports and reinforces a school's health and physical education programs.

We are strongly committed to assuring that USDA's efforts to implement the dietary guidelines in school meals are successful. Overall, we support the proposed rules. However, we believe that an essential key to success is the development of an infrastructure at USDA and the state level that provides a comprehensive approach to offering healthier meals and building partnerships integrated with marketing, training, and nutrition education. Currently, no support systems exist that can effectively assist School Food Authorities in successful implementation.

We have submitted our recommendations and comments on the proposed rules to USDA. These recommendations and comments are based on our four years of experience striving to implement the dietary guidelines, including Nutrient Standard Menu Planning, which we believe provides USDA with a unique perspective and insight. Highlights of our recommendations include:

1. **DEVELOP AND IMPLEMENT USDA INFRASTRUCTURE**. We recommend USDA immediately concentrate its efforts towards establishing the necessary infrastructure to succeed in implementing these proposed rules. Presently, the support structures are not available at most of the USDA regional offices or State Agencies to help SFAs achieve success.

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2. **ALLOW OPTIONAL PARTICIPATION OF NUTRIENT STANDARD MENU PLANNING (NSMP).** We strongly recommend that NSMP be an option for School Food Authorities (SFAs). We are very concerned that many SFAs will be unable to implement this system effectively without the infrastructure to provide support and training needed.

3. **ADD THE OPTION OF A FOOD-BASED MODIFIED MEAL PATTERN WITH LIMITED NUTRIENT ANALYSIS.** Allowing a food-based modified meal pattern will assist SFAs by providing a bridge as a transition to gradually implement NSMP. A limited nutrient analysis of only calories and fat could be tested to determine its feasibility.

4. **ELIMINATE WEIGHTED NUTRIENT ANALYSIS.** We oppose using weighted nutrient analysis. We believe that it is the school's role to offer or make available healthy foods, but it is excessively burdensome to require schools to be accountable for the food selections by children. Weighted nutrient analysis would be time consuming and cumbersome, especially for many high schools and middle schools which may offer up to 21 choices daily.

The enclosed copy of California's recommendations and comments provide additional information for your consideration.

We emphasize our strong commitment to implementing the dietary guidelines, promoting a consistent nutrition message, and ensuring nutrition integrity in California's child nutrition programs. We believe this is essential in helping our children achieve their full learning and health potential.

If we can work with you to successfully implement USDA's School Meals Initiative for Healthy Children, please contact me at (916) 322-2187. I would also be pleased to discuss our recommendations on the proposed rules and other related issues.

Sincerely,

Maria Balakshin

Maria Balakshin, Director
Child Nutrition and Food Distribution Division

MB:sl

Enclosure

(Attachments follow:)

CALIFORNIA DEPARTMENT OF EDUCATION
721 Capitol Mall: P.O. Box 944272
Sacramento, CA 94244-2720

September 6, 1994

Robert M. Eadie, Chief
Policy and Program Development Branch
Child Nutrition Division
Food and Nutrition Service, USDA
3103 Park Center Drive, Room 1007
Alexandria, VA 22302

Dear Mr. Eadie:

The California Department of Education (CDE) is pleased to submit its comments and response to the proposed rules published June 10, 1994, entitled School Meals Initiative for Healthy Children.

The Department commends USDA for taking a leadership role to implement the Dietary Guidelines for Americans in the school nutrition programs. Overall, we support the proposed rules regarding nutrition objectives for school meals in the National School Lunch and School Breakfast Programs. This is a significant step forward in the integration of school nutrition programs with the 1990 Dietary Guidelines for Americans.

We believe the emphasis on nutrition will improve the nutrition integrity of the school meals and will provide children with a consistent nutrition message. It also enhances the development of a comprehensive school health system as part of an environment that supports and reinforces a school's health and physical education programs.

We also commend USDA for taking leadership action in the three areas which we proposed in our testimony submitted during the public hearing and comment period in the fall of 1993. These three areas were 1) A national nutrition campaign focused on children; 2) Leadership in integrating a consistent nutrition message among all appropriate federal agencies; and 3) Systemic changes within USDA to support nutrition objectives. We believe USDA's actions as outlined in the School Meals Initiative for Healthy Children are key steps that will position USDA in achieving these areas.

CALIFORNIA'S EXPERIENCE WITH IMPLEMENTING DIETARY GUIDELINES

Our comments and recommendations on the proposed rules to implement the dietary guidelines are based on the experiences in our Child Nutrition: Shaping Healthy Choices Campaign. Initiated in 1989, the campaign is California's plan to comprehensively implement the dietary guidelines in school meals.

In 1990, CDE funded two regional model project networks as part of the Shaping Healthy Choices Campaign. These project networks were designed to determine the most effective and cost-efficient methods for implementing the Dietary Guidelines for Americans in schools. In July 1991, CDE received approval from the USDA for a meal pattern variation to the rules that define the meal pattern requirements for the National School Lunch, School Breakfast, and the Child Care Food Programs. This variation included the ability to implement either a revised meal pattern or Nutrient Standard Menu Planning (NSMP) in selected school districts and child care programs. Initially, 20 school districts and child care agencies were involved in the regional model project networks. Currently, 33 school districts and 7 child care agencies are implementing either NSMP or a revised meal pattern at selected sites as part of our SHAPE (Shaping Health as Partners in Education) California networks.

Results of our experiences with our SHAPE networks have indicated that several key areas are essential to successfully implementing the dietary guidelines through NSMP and the revised meal pattern. Nutrition expertise is essential if nutrition integrity of the meals is to be ensured. Programs implementing the dietary guidelines must be carefully managed and monitored by a registered dietitian or a person with comparable nutrition training. Child nutrition staff need training in many areas, including basic nutrition knowledge, focusing on the dietary guidelines and nutritional needs of children; modifying and standardizing recipes; food preparation techniques; use of computerized nutrient analysis; and food purchasing. In addition, our experience found that implementation is most successful when all school partners, including students, teachers, parents, and administrators, are involved and when a gradual implementation of change is made.

COMMENTS AND RECOMMENDATIONS

WE ARE STRONGLY COMMITTED TO ASSURING THAT USDA'S EFFORTS TO IMPLEMENT THE DIETARY GUIDELINES IN SCHOOL MEALS ARE SUCCESSFUL. We believe that an essential key to success for the School Food Authorities (SFAs) is the development of an infrastructure at both USDA and the State level that provides a comprehensive approach to offering healthier meals and building partnerships integrated with marketing, training, and nutrition education.

We offer the following recommendations necessary to ensure successful implementation of the dietary guidelines and nutrition integrity in school meals. We believe our four years of experience striving to implement the dietary guidelines, using both NSMP and a revised meal pattern, provides USDA with a unique perspective and insight on their implementation. Our major recommendations are outlined below followed by detailed rationale and additional recommendations under each point:

1. Focus on a comprehensive approach in implementing dietary guidelines.
2. Develop and implement USDA infrastructure.
3. Allow optional participation in Nutrient Standard Menu Planning.
4. Eliminate Assisted Nutrient Standard Menu Planning and add the option of a Food-Based Modified Meal Pattern with limited nutrient analysis.
5. Set target levels for fat, dietary fiber, and sodium.
6. Accompany fortification with targets for dietary fiber.
7. Eliminate weighted nutrient analysis.
8. Delete the requirement that an entree must be selected under Offer versus Serve.
9. Develop nutrient analysis software for use by SFAs.
10. Increase funding for nutrition education and training.
11. Encourage nutrition disclosure.
12. Address issues related to administrative streamlining and paperwork reduction.
13. Provide training on State monitoring and corrective action.
14. Continue to improve the commodity program.
15. Publish interim rules.

1. FOCUS ON A COMPREHENSIVE APPROACH IN IMPLEMENTING DIETARY GUIDELINES

WE RECOMMEND THAT USDA FOCUS ON A COMPREHENSIVE APPROACH IN IMPLEMENTING THE DIETARY GUIDELINES. In California, we found that a comprehensive approach is **essential** for successful implementation of the dietary guidelines by either NSMP or a revised meal pattern. Prior to our Shaping Healthy Choices networks, we field tested implementing the dietary guidelines, and found that without a registered dietitian or nutrition expert at the local level we were not successful. As a result, we provided funds to each SHAPE network to implement a comprehensive approach to offering healthier meals and building partnerships integrated with marketing, training, and nutrition education. Funds are used for a nutrition education specialist, computer software, training of staff, building

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partnerships, marketing materials, and working with teachers to provide nutrition education in the classroom.

WE RECOMMEND THAT USDA IMPLEMENT THE DIETARY GUIDELINES IN A PROGRESSIVE, GRADUAL APPROACH THAT PROVIDE SFAS WITH ADEQUATE TIME TO ENSURE APPROPRIATE FEDERAL, STATE AND LOCAL SYSTEMS ARE IN PLACE FOR EFFECTIVE IMPLEMENTATION. Results of our SHAPE experiences indicate that several key areas need to be addressed to successfully implement NSMP and the revised meal pattern. These areas include adequate staff training and resources; building partnerships with schools, parents and community; marketing to students and parents; using standardized recipes and following menus as analyzed; purchasing and preparing appropriate foods and menu items; and gradually implementing change over time. In addition, we found the expertise of a registered dietitian or a person with comparable nutrition training to provide the nutritional knowledge and technical assistance needed was critical to support the implementation.

2. DEVELOP AND IMPLEMENT USDA INFRASTRUCTURE

WE RECOMMEND THAT USDA IMMEDIATELY CONCENTRATE ITS EFFORTS TOWARDS ESTABLISHING THE NECESSARY INFRASTRUCTURE REQUIRED TO SUCCEED IN IMPLEMENTING THESE PROPOSED RULES. California wants SFAs to succeed in implementing these proposed rules. To ensure successful implementation, USDA must immediately concentrate its efforts to establish the necessary infrastructures at the USDA national and regional offices and provide appropriate support services for use at the state agency (SA) level. Presently, the support structures are not available at most of the USDA regional offices or SAs to help SFAs achieve success.

WE RECOMMEND THAT USDA TAKE ACTION TO IMPLEMENT THE FOLLOWING SUPPORT SERVICES:

a. Establish nutrition experts at regional and state levels to provide training and technical assistance.
b. Provide training for SAs and SFAs in areas of nutrient standard menu planning, use of computers and appropriate software, how to plan meals that meet the dietary guidelines, etc. Include follow-up sessions after the initial training. USDA may wish to use the Nutrient Standard Training Module used for the USDA demonstration pilots.
c. Continue to develop industry support and involvement in implementing the dietary guidelines.
d. Complete the National Nutrient Database of foods.
e. Provide grants for computer/software purchases.

f. Initiate a nationwide marketing campaign to educate parents and children on the importance of healthy eating and how to make healthy food choices.
g. Provide nutrient analysis in all existing and new USDA commodities, and require that all commodity processing products be analyzed for nutrient content.
h. Revise the commodity program to eliminate high fat, high sodium, and/or high sugar content items.

3. **ALLOW OPTIONAL PARTICIPATION IN NUTRIENT STANDARD MENU PLANNING**

WE STRONGLY RECOMMEND THAT NSMP BE AN OPTION FOR SFAS. We are very concerned that many SFAs will be unable to implement this system effectively because there is no infrastructure at the federal, state and local level in place to provide the support and training needed. In addition, the costs of computer hardware and software; lack of personnel with both the computer skills and nutrition knowledge to complete the nutrient analysis accurately; inadequate time and resources for the initial extensive data entry; and lack of staff training and resources are challenges that SFAs will have difficulty in addressing within current budget constraints.

Making NSMP optional would provide SFAs with lead time to find the resources and obtain the training needed to eventually implement NSMP. In California, we provided funds to assist the SHAPE networks with the initial costs to implement the dietary guidelines, including NSMP. These costs included computer hardware and software, staff training time, substantial time for imputing data, including recipes and individual food product nutrient analysis. Funds included support costs for the expertise of a registered dietitian, working part time, to provide oversight and technical assistance. Currently, we have 11 school districts that have been in our networks and are continuing to implement NSMP at specific sites without additional funds.

WE RECOMMEND THAT RESIDENTIAL CHILD CARE INSTITUTIONS (RCCIs) BE EXEMPT FROM NSMP UNTIL IT IS ESTABLISHED FOR THE CHILD AND ADULT DAY CARE FOOD PROGRAMS. RCCIs are very small and similar to family day care homes. It would be very difficult and burdensome for them to implement a more complicated system, such as NSMP, in a family setting.

4. **ELIMINATE ASSISTED NUTRIENT STANDARD MENU PLANNING AND ADD THE OPTION OF A FOOD-BASED MODIFIED MEAL PATTERN WITH LIMITED NUTRIENT ANALYSIS**

WE STRONGLY RECOMMEND THAT USDA ELIMINATE THE ASSISTED NUTRIENT STANDARD MENU PLANNING (ANSMP) OPTION. We believe ANSMP would be a very difficult option to implement because presently there is no infrastructure in place to provide needed support and the option has not been tested to determine its feasibility.

WE STRONGLY RECOMMEND THAT A FOOD-BASED MODIFIED MEAL PATTERN WITH LIMITED NUTRIENT ANALYSIS BE PROVIDED AS AN OPTION TO IMPLEMENTING THE DIETARY GUIDELINES. Many SFAs do not have the personnel, time, funds, and other resources required to effectively use NSMP at this time. Allowing a food-based modified meal pattern will assist SFAs by providing a bridge as a transition to gradually implementing NSMP. It provides an educational tool that allows time for child nutrition staff to feel comfortable with the process and obtain required training and resources while still addressing the dietary guidelines. Our experience with the SHAPE networks found that the revised meal pattern was a step towards implementing NSMP. Several of our school districts started with the revised meal pattern at specific sites as a gradual implementation process and transition to NSMP after they were comfortable with the procedures.

This option should be a revised meal pattern similar to what California SHAPE networks have field tested during the past four years. Our revised meal pattern stresses fruits, vegetables, beans/legumes, and whole grains as part of the daily meals to ensure that targets for naturally-occurring dietary fiber are met. Enclosed is the revised meal pattern we are currently using along with our program requirements, which include conducting a nutrient analysis for one week of menus per month.

WE RECOMMEND THAT THE NUTRIENT ANALYSIS FOR THE FOOD-BASED MODIFIED MEAL PATTERN BE LIMITED TO TARGETS FOR CALORIES AND FAT AND THAT IT BE TESTED PRIOR TO IMPLEMENTATION. Most nutrients, except fat, can be addressed by the food in the meal pattern. A simplified process could be developed and tested for calculating and averaging the calories and fat for the meals served in a school week. This calculation might be done without a computer and might require minimal training and time to implement. More extensive nutrient analysis could be done if the SFA has the staff, computer, and desire to complete it and use the information as a marketing tool.

5. SET TARGET LEVELS FOR FAT, DIETARY FIBER AND SODIUM

WE RECOMMEND THAT FAT BE ESTABLISHED AS A TARGET GOAL OF 30 PERCENT CALORIES FROM FAT. We recommend incremental change in reducing the fat content of meals with 30 percent of calories from fat as a targeted goal. We are concerned that requiring a standard to be 30 percent or less calories from fat would be restrictive and difficult to obtain. Our experience found that several factors must be considered in reducing the fat content of meals. These factors are low-fat product acceptability, student acceptance, training backgrounds of staff, and the amount of change required to alter existing menus and recipes.

We are concerned that some SFAs will provide significantly less that 30 percent calories from fat to ensure that they meet the required standard. This would not be healthy for growing children, especially younger children and those who may be undernourished. The "Statement on Cholesterol" by the American Academy of Pediatrics published in September 1992 is enclosed for further reference.

If fat remains as a nutrition standard, an alternative approach is to establish a tolerance level for the percent of calories from fat. Our experience found that a reasonable tolerance level was 80 percent of the standard for the first year and 90 percent thereafter. After the first year, this results in a goal of 28 to 32 percent of calories from fat.

WE RECOMMEND THAT TARGETS BE ESTABLISHED FOR NATURALLY-OCCURRING DIETARY FIBER AND SODIUM. These targets would be goals to strive towards in implementing the dietary guidelines. California has set specific targets for sodium and naturally-occurring dietary fiber as noted in the tables entitled Nutrient Standards and Targets in the enclosed program requirements. For sodium, the level was determined based on information in the 10th edition of the Recommended Dietary Allowances. For fiber, the level for naturally-occurring dietary fiber in foods was determined based on an analysis of menus planned using the revised meal pattern to meet the other dietary guidelines. Setting a target level for dietary fiber also encourages offering fruits, vegetables, whole grains, and beans/legumes in the menus as well as addressing issues on fortification as discussed below.

6. ACCOMPANY FORTIFICATION WITH TARGETS FOR DIETARY FIBER

We are concerned that the proposed rules do not address fortification but realize this is a difficult issue. California's policy is to allow only nutrients naturally-occurring in foods unless covered by the Standard of Identity or if it is a breakfast cereal. Our policy is outlined on page 4 of the enclosed "Program Requirements for Nutrient Standard Menu Planning". Even with this policy, our SHAPE networks report that determining the nutrient levels that would naturally occur in the food item is burdensome and difficult.

WE RECOMMEND THAT A TARGET LEVEL BE ESTABLISHED FOR NATURALLY-OCCURRING DIETARY FIBER TO ADDRESS THE USE OF FORTIFIED FOODS AND THAT IT BE TESTED IN THE NSMP DEMONSTRATION PILOTS. This is based on our experience in the SHAPE networks and would encourage the use of fruits, vegetables, beans/legumes, and whole grains in meals. It would also convey a strong statement on the use of conventional foods and would address the fortification issue. In addition, the meals would be giving a consistent message that fruits, vegetables, and whole grains are important choices in a healthy diet. We recommend testing a target level for dietary fiber in the NSMP demonstration pilots as a way to address the fortification issue.

7. ELIMINATE WEIGHTED NUTRIENT ANALYSIS

WE OPPOSE USING WEIGHTED NUTRIENT ANALYSIS IN NSMP. We believe that it is the school's role to offer or make available healthy foods, but it is excessively burdensome to require schools to be accountable for the food selections by children. Our experience with the SHAPE networks indicates that this procedure would discourage offering choices to students. We have high schools and middle schools where up to 21 choices are offered daily. This makes weighted nutrient analysis very time consuming and cumbersome.

WE RECOMMEND THAT THE NUTRIENT ANALYSIS BE BASED ON THE THREE MOST FREQUENTLY SELECTED CHOICES OFFERED AS A MENU ITEM, EXCEPT FOR MILK. We have successfully used a nutrient analysis based on the three most frequently selected choices on the menu, except for milk. The three most frequently selected choices are based on past production records. An exception to this procedure is the analysis of milk offered in the meal. The networks analyze the top three milk choices unless a milk choice is served to less than 10 percent of the students. The nutrient analysis then includes only the top two milk choices.

WE RECOMMEND THAT THE USDA NSMP DEMONSTRATION PROJECTS TEST ALLOWING SFAs THE OPTION TO COMBINE THE NUTRIENT ANALYSIS FOR BOTH BREAKFAST AND LUNCH WITH STATE APPROVAL IF THEY SERVE BOTH MEALS TO OVER 60 TO 75 PERCENT OF THE CHILDREN WHO EAT BREAKFAST. In California, a limited number of pilot schools have used NSMP for breakfast. We require they complete the analysis separately for breakfast and lunch as proposed in the rules. In discussing this issue, we recognize the importance of looking at a child's total dietary intake for the day rather than by meal. An option for SFAs who serve a high percentage of children both meals would take into consideration the concept of total daily nutrient intake for children who consistently eat both meals at school. It would also encourage the promotion of the breakfast program. The NSMP demonstration pilots would be appropriate to test the feasibility of performing a nutrient analysis combining breakfast and lunch.

8. DELETE THE REQUIREMENT THAT AN ENTREE MUST BE SELECTED UNDER OFFER VERSUS SERVE

WE RECOMMEND DELETING THE REQUIREMENT THAT AN ENTREE BE SELECTED UNDER OFFER VERSUS SERVE. Our experience in the SHAPE networks did not include the selection of an entree under Offer versus Serve, and we encountered no problems with this system. Thus, we believe that requiring an entree be selected is unnecessary.

9. DEVELOP NUTRIENT ANALYSIS SOFTWARE FOR USE BY SFAS

WE RECOMMEND THAT USDA DEVELOP THE SOFTWARE TO DO NUTRIENT ANALYSIS AND PROVIDE THIS SOFTWARE TO SFAS. We are concerned about the availability and cost of nutrient analysis software which meets the USDA specifications and incorporates the National Nutrient Database. We encourage USDA to contract for the development of software which meets USDA specifications during 1994-95. This software could be tested during 1995-96 and finalized for use nationwide by 1997-98. The nutrient analysis software should be provided at cost to SFAs. This would simplify and allow standardized training nationwide, increase its availability, reduce costs and assist in implementation of NSMP. Procedures would need to be developed to maintain and update the software and its database on a regular schedule.

10. INCREASE FUNDING FOR NUTRITION EDUCATION AND TRAINING

WE RECOMMEND THAT USDA SEEK CONGRESSIONAL APPROPRIATION TO REINSTATE THE 50 CENTS PER CHILD FOR NUTRITION EDUCATION FUNDING. Both sufficient staff training and nutrition education for children and parents are critical in any effort to successfully implement the dietary guidelines. Classroom nutrition education should complement and reinforce the nutritious meals provided in the cafeteria. It should reinforce the consistent nutrition message of the national campaign and support the development of a comprehensive school health system. We commend USDA for their coordination efforts in working closely with the Departments of Education and of Health and Human Services in a comprehensive approach to improving the health and nutritional well being of our children. This coordination has a positive impact on our State efforts to implement comprehensive school health systems in our schools.

11. **ENCOURAGE NUTRITION DISCLOSURE**

WE AGREE WITH THE PROPOSED RULES THAT NUTRITION DISCLOSURE BE ENCOURAGED BUT NOT REQUIRED. We believe nutrition disclosure can be an important marketing and nutrition education tool. The SFA can use nutrition disclosure in teaching parents about the dietary guidelines and stress that school meals provide healthy foods to students. However, it should not be required, because many districts do not have trained personnel who are able to analyze and interpret the nutrient analysis accurately.

12. **ADDRESS ISSUES RELATED TO ADMINISTRATIVE STREAMLINING AND PAPERWORK REDUCTION**

We believe the reduction in the paperwork and streamlining of the administrative requirements in the school nutrition programs are definitely overstated in the USDA proposed regulations. We recommend the following:

a. WE STRONGLY RECOMMEND THAT ALL RECOMMENDATIONS MADE IN THE 1986 PAPERWORK REDUCTION TASK FORCE BE ADOPTED.

b. WE STRONGLY RECOMMEND THE IMPLEMENTATION OF A SEAMLESS PROGRAM, one with a single application and one eligibility scale for Child and Adult Care Food Programs, Head Start, and National School Lunch and School Breakfast Programs.

c. WE BELIEVE THE CHANGE IN EDIT CHECKS AND NONPROFIT STATUS ARE INSIGNIFICANT STREAMLINING PROPOSALS; consequently, we see these changes as unnecessary.

d. WE RECOMMEND THAT SFAS THAT OPERATE CHILD CARE FOOD PROGRAMS AND SUMMER SCHOOL FOOD SERVICE PROGRAMS BE ALLOWED TO USE NSMP FOR ALL PROGRAMS. We encourage making this provision seamless to all programs administered by school districts because it will simplify administration and reduce confusion.

e. WE SUPPORT THE EXTENSION OF CONDUCTING THE COORDINATED REVIEW EFFORT (CRE) FROM FOUR YEARS TO FIVE YEARS. We encourage USDA to consider changing the review system to one that focuses on a continuous quality improvement approach. In addition, we think that paperwork could be reduced in the CRE review by decreasing the required sampling of eligibility applications and modifying the required verification of meal counts to help increase the amount of time available for providing technical assistance.

3. PROVIDE TRAINING FOR STATE MONITORING AND CORRECTIVE ACTION

WE SUPPORT THE PROVISION THAT NO FISCAL SANCTION WILL BE TAKEN FOR NSMP ERRORS UNLESS SFAS ABSOLUTELY REFUSE TO IMPLEMENT NSMP OR ANSMP.

WE RECOMMEND TRAINING BE PROVIDED TO STATE AGENCY STAFF WHO CONDUCT CRE REVIEWS WHEN NSMP IS IMPLEMENTED. This training is necessary for those conducting CRE reviews to ensure thorough and accurate reviews, as well as providing the necessary technical assistance to prevent future corrective action from being required.

14. CONTINUE TO IMPROVE THE COMMODITY PROGRAM

WE RECOMMEND CONTINUED CHANGES TO THE COMMODITY PROGRAM THAT ELIMINATE THOSE ITEMS, SUCH AS BUTTER, WHICH CLEARLY DO NOT FIT OR CANNOT BE MODIFIED TO FIT INTO THE DIETARY GUIDELINES. Much improvement has been realized in the commodity program as more products with reduced fat and less sugar have been introduced. However, there is still room for improvement.

15. PUBLISH INTERIM RULES

WE STRONGLY RECOMMEND USDA PUBLISH INTERIM RULES, NOT FINAL RULES, THAT INCLUDE ALLOWING OPTIONS OF NUTRIENT STANDARD MENU PLANNING AND A FOOD-BASED MODIFIED MEAL PATTERN. These proposed rules represent a significant positive change to the National School Lunch Program and School Breakfast Program. We believe that any final rules need the benefit of USDA's NSMP demonstration pilots and information from California as we continue with our networks. The NSMP Demonstration Pilots will provide important recommendations which should be incorporated before any final rules are published. Publishing interim rules would also allow adequate time for the other options and recommendations from the comment period to be field tested and modified as needed. Interim rules would allow SFAs who wish to implement the dietary guidelines to proceed while providing ease in amending the rules to incorporate needed revisions.

In closing, we emphasize our strong commitment to implementing the dietary guidelines, promoting a consistent nutrition message, and ensuring nutrition integrity in California's child nutrition programs. We believe this is essential in helping our children achieve their full learning and health potential. We hope that our recommendations and comments on the proposed rules will be beneficial in issuing future rules. Again, we commend USDA on taking this important leadership role for ensuring nutritious, healthy meals in our school nutrition programs for children.

If we can work with you to successfully implement the School Meals Initiative for Healthy Children, please contact me at (916) 322-2187. I would also be pleased to discuss our recommendations on the proposed rules and any other related issues.

Sincerely,

Maria Balakshin

Maria Balakshin, Director
Child Nutrition and Food Distribution Division

MB:sl

Enclosures

AMERICAN ACADEMY OF PEDIATRICS

Statement on Cholesterol

Committee on Nutrition

Increased blood cholesterol levels have been found to be a risk factor for coronary vascular disease in adult populations, and the reduction of cholesterol levels in adults decreases the risk. Because no comparable studies have been carried out in childhood populations, the significance of cholesterol as a risk factor for coronary vascular disease must be inferred from less direct evidence. It is also important to note that a number of other factors including cigarette smoking, hypertension, obesity, and diabetes mellitus are important in their causative relationship to atherosclerotic vascular disease. A family history of premature coronary vascular disease is also a risk factor for early onset coronary vascular disease.

The American Academy of Pediatrics (AAP) last published its recommendations regarding dietary fat and cholesterol in 1986[1] and suggested indications for cholesterol testing in children and adolescents in 1989.[2] Very recently the Expert Panel on Blood Cholesterol Levels in Children and Adolescents of the National Cholesterol Education Program (NCEP), in a comprehensive report, recommended that all children and adolescents eat a diet that on average contains no more than 30% of total calories from fat, less than 10% of total calories from saturated fat, and less than 300 mg of cholesterol per day.[3] The panel recommended screening blood cholesterol levels only in those children and adolescents whose risk of developing coronary vascular disease as adults could be identified by family history or by the coexistence of several risk factors. In this statement the earlier recommendations of the AAP are reviewed in the context of the recent NCEP report and provide current guidelines regarding dietary fat and cholesterol, cholesterol screening, and management of elevated blood cholesterol levels in children. These guidelines should be regarded as an effort by the Committee on Nutrition to define an interim approach to this important issue that takes into account the substantial uncertainty concerning the pathophysiology of atherogenesis in childhood and the related inaccuracies in predicting which children will ultimately require intervention for coronary artery disease as adults, based on current diagnostic techniques applied during childhood.

The AAP and NCEP report both endorse the principle that the diet of children and adolescents should be adequate to support normal growth and development. A varied diet including foods from each of the major food groups provides the best assurance of nutritional adequacy. Dietary guidelines that restrict fat and cholesterol should not apply to infants from birth to age 2 years.

RATIONALE FOR ATTENTION TO BLOOD CHOLESTEROL LEVELS IN CHILDHOOD

A diet rich in saturated fat and cholesterol is one of several factors that influence the development of coronary vascular disease in adults. Heredity, physical inactivity, smoking, obesity, and diabetes mellitus along with diet affect serum cholesterol levels. In several large-scale and geographically diverse studies, serum cholesterol has been shown to be a powerful and independent risk factor for coronary vascular disease in adults.[4-8] Ethnic populations such as the Masai in Africa and the Inuit of North America, ingest diets high in total fat, saturated fat, and cholesterol but have a low prevalence of coronary vascular disease, demonstrating the importance of these other risk or protective factors. It is for this reason that previous statements from the AAP have emphasized diet in the context of a "Prudent Lifestyle for Children" and have recommended that efforts be made to reduce or eliminate when possible all contributing risk factors for coronary vascular disease and other chronic illnesses.

Children and adolescents in the United States, like their adult counterparts, have higher saturated fat intakes and blood cholesterol levels than children in many other developed nations.[9] The school-aged children participating in the Bogalusa Heart Study who consumed a diet higher in fat had higher mean serum cholesterol values than children eating a lower fat diet.[10] Obesity and aerobic capacity also strongly influence the serum lipid profiles during adolescence.[11] Several autopsy studies of children published during the past 5 years demonstrate the presence of raised lesions in coronary vessels that progress with age and correlate with blood lipid levels as well as other known risk factors, such as smoking and hypertension.[12,13] In one study 7% of those examined between ages 10 and 15 years had these lesions in coronary vessels[14], 14% of those between ages 15 and 20 years and 21% of those between ages 20 and 25 years demonstrated similar lesions. By ages 35 to 40 years, 66% of individuals in the study demonstrated some atherosclerotic changes.

Diet intervention alone reduces serum cholesterol levels in children and adults, although the individual

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The recommendations in this publication do not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, taking into account individual circumstances, may be appropriate.

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response is variable.[15,16] Both diet modification and drugs given to lower serum lipid values cause regression of coronary vascular lesions and reduce the morbidity and mortality from coronary vascular disease in adults.[17] Longitudinal studies have not been reported that examine what effect beginning diets containing lower fat and cholesterol during childhood can have in preventing the development and progression of coronary atherosclerosis. The diet and heart disease hypothesis has not been examined systematically in children. A cautious approach to aggressive lowering of serum cholesterol values in children is suggested by recent studies in adults that indicate that individuals with low serum cholesterol values and those with serum cholesterol values reduced by diet and drugs experienced increased rates of noncardiac deaths relative to control populations.[17,18] Hence, total death rates between groups with low and high cholesterol values may not be different.

Concerns about the effects of severe dietary fat restriction on growth and development led the AAP to recommend in 1986 that the optimal total fat intake cannot be determined, but 30% to 40% of calories seems sensible for adequate growth and development. Diets that avoid extremes are safe for children for whom there is no evidence of special vulnerability. Any recommendations for changing toward a more restrictive dietary pattern during the first two decades of life should await demonstration that such dietary restrictions . . . would support adequate growth and development for children and adolescents.[1]

During the past 25 years the consumption of saturated fats, cholesterol, and total fat has decreased in the United States. Recent food consumption surveys show that children and adolescents in the United States on average now consume about 35% of their total calories as fat, with 14% to 15% of total calories from saturated fat and less than 300 mg/day of cholesterol.[19] During the same period, the mean weight and height of children and adolescents in the United States has continued to increase; the prevalence of obesity has also increased.[20] A diet that restricts saturated fat to less than 10% of total calories, total fat to *approximately* 30% of total calories, and dietary cholesterol to less than 300 mg/d concurs with previous recommendations from the AAP and falls within the range of the current eating habits of children and adolescents in the United States. Such a diet can support the nutrient needs of this population. McPherson et al in a survey of food intake and food sources in middle class school children documented that a substantial proportion of these children were already consuming a diet containing 30% of total calories from fat and were meeting all of their nutritional requirements.[21] A larger multicenter study, supported by the National Heart, Lung, and Blood Institute, is examining this question and will be completed in 1993.

As a result of the recommendations from the American Heart Association, National Cholesterol Education Program, National Institutes of Health Consensus Conference on Lowering Blood Cholesterol to Prevent Heart Disease, the American Cancer Society, and many other groups, foods are increasingly being prepared with a lower total fat, saturated fat, and cholesterol content. A 1990 survey conducted by the National Restaurant Association revealed that 89% of fast food restaurants now fry with vegetable oils in place of animal fats.[22] Thus, children and adolescents are likely to have increasingly leaner food choices. The early studies of Davis[23] and more recently Birch et al[24] suggest that if ample and varied food choices are available, children will adjust their energy intake to meet their needs. Children and adolescents are themselves increasingly aware of the fat and cholesterol content of various foods and of the guidelines for limiting dietary fat and cholesterol and for ensuring good nutrition.[25]

Although dietary fat can be safely limited to approximately 30% of total calories, some will attempt to restrict fat intake further, to well below 30%. Recent reports of growth failure among children and adolescents testify to the dangers of excessive restriction of dietary fat.[26] The adequacy of mineral absorption from diets rich in complex carbohydrates has also not been established. It should be emphasized that the primary goal of the diet in childhood is to achieve normal growth and development. Within the context of a balanced diet, no single food should be considered unhealthy regardless of its fat content. In particular, where the food supply is limited and children are at greater risk for undernutrition, foods containing higher amounts of fat are appropriate to meet energy and other specific nutrient requirements. No restriction should be placed on the fat and cholesterol content of the diet of infants from birth to 2 years of age, a period of rapid growth and development and high nutritional requirements.

The transition to a lower fat diet beginning at the age of 2 years requires special consideration. Approximately 50% of the calories in the diet of the exclusively breast-fed infant come from the fat content of the milk. As solids are introduced during the first and second year of age, the percentage of calories in the diet contributed by fat decreases. At ages 2 to 3 years, if only 30% of total calories are derived from fat, then the protein content would have to provide as much as 17% to 20% of calories for the diet to meet the recommended daily allowances for minerals. Early childhood then should be considered a transition period during which the fat and cholesterol content of the diet should gradually decrease to the recommended amounts. Particular care should be taken at this time to avoid excessive restriction of dietary fat. The consumption of lower fat dairy products and lean meats—critical sources of protein, iron, and calcium—should be encouraged throughout childhood and adolescence.

SCREENING OF BLOOD CHOLESTEROL LEVELS

The AAP continues to endorse an individualized approach to identify and treat children and adolescents whose risk of developing coronary vascular disease as adults can be identified through family history. If the family history cannot be ascertained and other risk factors are present, screening should be at the discretion of the physician. The poor predicelectrolyte content and low calorie density of these milks.

4. The Academy continues to endorse the selective screening of children more than 2 years of age whose risk of developing coronary vascular disease can be identified by family history. This screening should include the following groups:
    - (1) Children whose parents or grandparents have a history of coronary or peripheral vascular disease before the age of 55 years should have a serum lipid profile that includes determination of low density lipoprotein (LDL) cholesterol value. Blood should be drawn after a 12-hour fast.
    - (2) Children whose parents have a blood cholesterol level greater than or equal to 240 mg/dL should be screened for total blood cholesterol level (nonfasting).
    - (3) Children and adolescents with several risk factors for future coronary vascular disease (eg, smoking, hypertension, physical inactivity, obesity, and diabetes mellitus) whose family history cannot be ascertained may be screened at the discretion of the physician for a total blood cholesterol level.
5. When possible, identification and elimination of other risk factors for coronary vascular disease (eg, smoking, hypertension, obesity, diabetes mellitus) are recommended for everyone, including those who are screened, regardless of the results. A diet (Step I Diet) supervised by a health professional is the first therapy recommended for hypercholesterolemic children. The diet is one in which the intake of saturated fats is less than 10% of total calories, with no more than 30% of calories as fat and less than 300 mg of cholesterol per day. If after repeated testing the desired serum lipid levels are not achieved, the intake of saturated fats should be reduced to less than 7% of total calories, with no more than 30% of calories as fat and the cholesterol amount reduced to less than 200 mg/day (Step II Diet).
6. Drug therapy can be considered in children more than 10 years of age if after an adequate trial of diet therapy (6 months to 1 year) the LDL cholesterol value remains greater than 190 mg/dL in the absence of other risk factors. If the level remains greater than 160 mg/dL in children with a family history of heart disease or two or more risk factors of cardiovascular disease, drug therapy is also recommended. Bile acid sequestrants such as cholestyramine and colestipol are the only drugs recommended because there is limited experience in the use of other cholesterol-lowering agents in children. Other drugs such as niacin, hydroxymethylglutaryl coenzyme A (HMG CoA) reductase inhibitors, probucol, gemfibrozil, thyroxine, and clofibrate are not recommended for routine use because very little data exist concerning safety and efficacy of these drugs in children. The AAP recommends that all lipid-lowering agents, including the bile acid sequestrants, be used with caution because they all have the potential for interfering with growth as well as producing other significant side effects. Clinical trials of these agents should be carried out in children to determine both safety and efficacy before their widespread use is endorsed. If lipid-lowering drugs are required, children should be monitored closely, particularly during the vulnerable period of adolescent growth.

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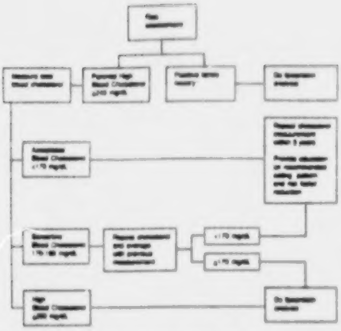

Fig 1. Risk assessment. *Positive family history is defined as a history of premature (before age 55 years) cardiovascular disease in a parent or grandparent (from National Cholesterol Education Program[5]).

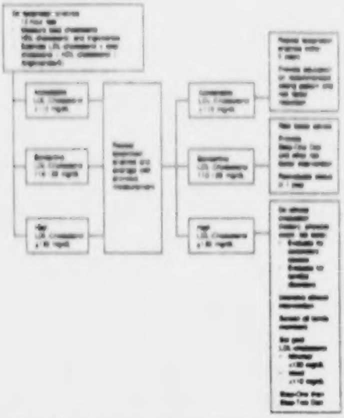

Fig 2. Classification, education, and follow-up based on low-density lipoprotein cholesterol (from National Cholesterol Education Program[5]). HDL, high-density lipoprotein; LDL, low-density lipoprotein.

tive benefit of a total cholesterol level for an elevated low-density lipoprotein (LDL) cholesterol level[27] and the imperfect tracking of blood cholesterol values from childhood to adulthood[28,29] are among the factors that weigh against a recommendation for universal testing. Universal screening will continue to be inadvisable until tests become available that are better able to predict later coronary vascular disease. An elevated blood cholesterol value in childhood is only a risk factor for an elevated blood cholesterol value as an adult, which in turn is a risk factor for coronary vascular disease. The possibility of unwarranted anxiety and unnecessary dietary restriction from false-positive results is significant.

There is no question that children with elevated blood cholesterol values will be missed by selective screening.[30-32] However, a universal (population-based) approach to dietary modification of fat and cholesterol intake and the apparent reversibility of coronary vascular lesions when diet and drug therapy are used in middle age suggest that selective screening of children is an appropriate recommendation at this time. Children whose parents or grandparents had a documented myocardial infarction, positive coronary angiogram, or cerebrovascular or peripheral vascular disease before the age of 55 years qualify for screening. For these children the initial test should be a determination of blood lipoprotein values, obtained after a 12-hour fast. Children whose parents have a blood cholesterol level greater than or equal to 240 mg/dL should be screened for total serum cholesterol level. Figures 1 and 2 are acceptable algorithms for screening and initiating therapy.

SUMMARY AND ACADEMY RECOMMENDATIONS

1. An elevated serum cholesterol value, cigarette smoking, hypertension, obesity, diabetes mellitus, and lack of physical activity are independent risk factors for coronary vascular disease. The risk of coronary artery disease in adults can be reduced by adopting a prudent lifestyle in which smoking is avoided, intake of saturated fat and cholesterol is decreased, weight is controlled, physical activity is increased, and treatment for hypertension and diabetes is obtained.
2. Atherosclerosis begins in childhood, and the degree of atherosclerotic changes correlates with blood cholesterol levels, smoking, and hypertension. However, coronary vascular disease is rare before the third decade, and coronary vascular lesions appear to be reversible during the third and fourth decade of life or later with appropriate diet and drug treatment. Serum cholesterol level is an imperfect predictor of future coronary vascular disease.
3. Nutritional adequacy should be achieved by eating a wide variety of foods, and energy (calories) should be adequate to support growth and to reach or maintain desirable body weight. Recommended dietary goals for all children more than 2 years of age include: an average daily intake of 30% of total calories from fat, less than 10% of total calories from saturated fatty acids, and less than 300 mg of cholesterol per day. A lower intake of fat is not recommended. The AAP believes that recommendations that call for "less than" 30% of calories from fat may lead to the inappropriate use of more restrictive diets. Skim or low-fat milk is not recommended in the first 2 years of life because of the high protein and

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(Additional attachments are held in the committee files.)

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September 21, 1994

Representative Charles W. Stenholm
1211 Longworth House Office Building
Washington, D.C. 20515-4317

Comments to the Agriculture Committee

Concerning National School Lunch Program and School Breakfast Program: Nutrition Objectives for School Meals; Proposed Rule 7 CFR Parts 210 and 220

As the largest trade association in the United States representing the fresh produce industry, the Produce Marketing Association (PMA) welcomes this opportunity to comment on the proposed rule to amend the nutrition standards for the National School Lunch and School Breakfast Programs. PMA's 2500 members include grocery retailers, growers, shippers, and produce distributors and suppliers. PMA strives to create a favorable, responsible environment that advances the marketing of produce products.

Overall, PMA is pleased with USDA's attempt to bring school lunch and breakfast programs into line with the Dietary Guidelines. Childhood is a time when food preferences and eating habits are formed. Ensuring that good tasting and nutritious food selections are available during childhood, in addition to a strong education component in schools, will help children develop better lifelong eating patterns.

Area of Concern

PMA has one major concern, however, with these proposed rules. Even though one of USDA's main objectives is to encourage greater consumption of fruits and vegetables in schools, the proposal does not indicate how USDA is

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requiring schools to serve more fruits and vegetables. In fact, the proposal seemingly allows schools to step away from that objective by use of the nutrient standard menu planning and use of fortified foods.

Using the nutrient standard menu planning with a weekly nutrient-based average and use of fortified foods, a school could substitute a fortified food instead of using fruits or vegetables for the weekly vitamin A and vitamin C requirements. Theoretically, Tang could replace orange juice; Fruit Loops could replace apples; and catsup could replace broccoli. These fortified foods would be a quick, easy, *reimbursable* substitute for raw fruits and vegetables, but would not provide the associated benefits of fruits and vegetables.

Even though vitamin C is vitamin C, no matter what the source, there are benefits to eating whole fruits and vegetables instead of fortified foods. The benefits bestowed by a diet rich in fruits and vegetables may not be the vitamins or minerals themselves, but may be any of a number of other naturally occurring compounds (e.g. indole, dithiolthiones, phenols, coumarins) found in those fruits or vegetables acting either independently or in conjunction with other compounds in a diet. For example, one of a hundred different carotenoids may work together with a phenolic compound or other non-nutritive compound to help prevent carcinogenesis.

In addition, according to the proposed changes, all of the fruits and vegetables could be served on one day and no fruits or vegetables served the next. There are no requirements about how many fruits and vegetables are offered each day.

To most closely reflect the **Dietary Guidelines for Americans**, as this administration is trying to do, requiring a set number of fruits or vegetables per meal is more synonymous with the Guidelines than meeting a weekly level of vitamin A and vitamin C. The Guidelines specify a set number of fruits and vegetables every day (5-9 servings). They do not specify a set amount of vitamins A and C. USDA's reasoning for selecting set requirements for vitamins A and C, calcium, and iron was because they are consistent with the Nutrition Labeling and Education Act (NLEA). Though NLEA includes labeling of protein, vitamin A, vitamin C, calcium, and iron, it does not downplay the importance of fiber, sodium, and cholesterol as USDA's proposal seemingly is doing.

Therefore, PMA recommends that USDA add one additional criterion to the proposed school lunch program that would require three servings of fruits and vegetables per school lunch. This additional requirement would *ensure* that more fruits and vegetables are being served, and should not be difficult for foodservice operators since they have been working under a similar program (with 2 servings per meal) for the last several decades.

Areas of Agreement
Aside from this major area of disagreement, PMA is pleased with other aspects of the proposal, including:

Training
PMA applauds USDA for recognizing the importance of training for local meal providers. PMA's Fresh Produce Academies that USDA has held and is planning to hold for its regional foodservice directors are an excellent first step in training personnel about buying and handling produce. PMA hopes to continue future ventures with USDA in educating school foodservice personnel on purchasing and handling produce. Enclosed please find a copy of PMA's new *Guide to Selecting a Fresh Produce Distributor* which may be useful for school foodservice produce purchasing agents. PMA is also developing a new poster that contains nutrition information on the top 40 produce items that are consumed. This may be another item of use to foodservice directors and their staff.

Department of Defense
Because of produce's perishability, quick and efficient delivery of product through the commodity distribution program is essential. If the Department of Defense is willing and able to handle the distribution of perishable items, including delivery to schools and with minimal paperwork, then PMA encourages this avenue of distribution. PMA believes in providing quality product quickly and efficiently.

Education
PMA is excited about USDA's 1995 budget request of $18.4 million in additional funds to support nutrition education and technical assistance. In fact, PMA has written letters of support to key congressmen for this funding. We hope that the 5 A Day message can be used in schools as part of this education component. The national 5 A Day program has not yet moved into schools in a big way. Many state and local communities, however, have used the 5 A Day message with excellent results. We believe that USDA could make a lasting mark on children's eating patterns by bringing them the 5 A Day message.

Thank you for considering our comments. We, like USDA, would like to better the health of our country. There is no better change to dietary patterns than decreasing fat and increasing fruits, vegetables, and fiber. We look forward to working with USDA on current and new projects.

If you have any questions regarding these comments, please contact Elizabeth Pivonka, PhD, RD at 302/738-7100.

IDFA
International Dairy Foods Association
Milk Industry Foundation
National Cheese Institute
International Ice Cream Association

September 8, 1994

Robert M. Eadie, Chief
Policy and Program Development Branch
Child Nutrition Division
Food and Nutrition Service, USDA
3101 Park Center Drive
Alexandria, VA 22302

Re: National School Lunch Program and School Breakfast Program: Nutrition Objectives for School Meals

Dear Mr. Eadie:

The International Dairy Foods Association (IDFA), a national trade association comprised of the Milk Industry Foundation, the National Cheese Institute, and the International Ice Cream Association and the affiliated American Butter Institute, submits these comments on behalf of its member organizations. Through these organizations, IDFA represents 751 member companies that account for 85% of the dairy foods consumed in the United States.

IDFA agrees with efforts to improve the nutritional profile of meals offered by our nation's schools. The commitment to serving more nutritious and healthful meals in schools is one we share with USDA. The Department plays an essential role in educating children on nutrition and assisting them in making healthful food choices. As USDA continues to execute education programs, we encourage the implementation of education programs that involve not only children, but parents, teachers and others involved in the school feeding programs.

We also encourage the continued evaluation of the program, one that plays such a vital role in the prevention of diseases and long-term health promotion in children. More specifically, IDFA recommends that a specific review and evaluation procedure be included in the regulations to ensure that the school feeding program continues to meet the established goals of the program - providing more healthful meals to children.

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Although we believe the proposal focuses on the goal of promoting the health of children, our industry has several concerns with the proposed regulations. These concerns are outlined as follows:

Implementation

The proposed changes to the feeding program are quite comprehensive and will require extensive training and re-education of food service personnel. In addition, supplementary administrative funds will be required to meet these prerequisites. Consequently, we believe changes of this magnitude should not be taken lightly and should be given full consideration before requiring compliance by July 1, 1998.

Requiring schools to completely alter their approach to meal planning from a food group-based approach to a nutrient-based approach will take considerable training and education on the part of USDA. There are training and education issues that are not addressed in the proposed regulation and without thorough consideration, will undoubtedly result in schools dropping out of the program altogether. The Department has not established a training schedule that details how each school foodservice administrator and his or her staff will have the opportunity to be fully trained before implementing the program in their respective schools. By postponing the implementation date of the regulations and establishing a more realistic date, the Department's goal of providing healthy meals could be more easily achieved.

Adequate time should be allowed to fully evaluate the results of the pilot and demonstration projects. The demonstration project involving thirty-four school districts throughout the country should provide useful insights into the possible consequences of the nutrient-based approach to menu planning. Premature implementation of the nutrient-based menu planning system may encourage its rejection by school foodservice administrators and thus, its ultimate failure. A complete review of the data collected from the test programs should precede implementation in order to guarantee a successful program that has cooperation from the foodservice administrators while maintaining student participation.

We encourage USDA to delay the implementation date of the school feeding program until the demonstration projects have been completed and their performance thoroughly evaluated. IDFA also has serious reservations about supporting a program that may not have adequate implementation funds or an inclusive training and education element to ensure its success.

Dietary Guidelines for Children

As demonstrated with the establishment of separate RDI's for other population segments such as infants and pregnant women, children also have unique dietary needs. The proposed regulations ignore this issue. The requirement that school meals meet the federal *Dietary Guidelines for Americans* for fat and saturated fat unfortunately do not consider the specific needs of children.

These guidelines were developed on a population-adjusted average (or mean) in which gender and age are important factors. To date, a separate set of dietary guidelines based on the population of children, including gender and age, has not been developed.

In addition, the application of the *Dietary Guidelines for Americans* to children is not supported by a large segment of the scientific community and questions are being raised as to the efficacy and safety of its application. The long-term effects on children on a low fat diet have not been documented. A low fat diet may not allow proper growth and development of the child (studies by Health Canada and The Canadian Pediatric Society). By lowering the fat content in the child's diet, calories normally contributed by fat must be contributed by other carbohydrate and protein sources. A low fat, high carbohydrate and protein diet in children has not been studied and its effects are unknown. In essence, a low fat diet may have the opposite effect that the goals of the school feeding program are trying to achieve.

IDFA requests that USDA not implement these regulations until a separate set of dietary guidelines appropriate for children are established.

Maintain Participation

Probably the most important factor in the feeding programs is participation by the students and schools. If children are not consuming the meals served, the school feeding programs have failed to achieve their goals. Participation in the school feeding programs has decreased by 1 percent for each of the past seven years. A decrease in participation in the school feeding programs should not be allowed to occur. The proposed regulations do not address maintaining student participation, much less increasing student participation.

IDFA believes the regulations must also recognize the importance of taste and palatability in meal planning. Well-balanced meals which meet the *Dietary Guidelines for Americans*, but do not taste good, will not be consumed. Whether it is a non-nutritional snack from a vending machine, or an item from a nearby fast food restaurant, students will find alternate sources of foods if what they are being offered at school is not appealing.

If a separate set of dietary guidelines is not established for children and the proposed dietary guidelines are implemented (e.g., 30% calories from fat and 10% from saturated fat), meals may be unnecessarily limited in terms of taste and appeal and could result in a decrease in participation. Because students have been consuming meals with approximately 38% calories from total fat, reducing calories from fat to 30% may drastically decrease the participation in the program. The regulations must strike a balance between offering healthful and appealing meals.

Again, IDFA recommends that school menus reflect dietary guidelines appropriate for children. Ideally, once specific dietary guidelines for children have been established and incorporated into the school feeding programs, the participation level in these programs should be monitored and remain consistent with the current levels of participation. Any decrease in participation should not be tolerated and every effort should be made to increase student participation.

Fortification

IDFA can support the nutrient-based approach to school menu planning only if a strict fortification policy is included in the regulations. We concur with USDA's principle that "the preferred source of adequate nutrition is a meal comprised of a variety of conventional foods, as recommended in the *Dietary Guidelines*, rather than one containing formulated fortified foods." As discussed in the preamble to the proposed regulations, the school feeding programs play a vital role in nutrition education. By offering fortified foods in school menus, children could grow accustomed to consuming these products and will assume that all products of that type will provide him or her with all of the nutrients they need. For example, if children consume "Calcium Fortified Orange Juice" at school for breakfast, they may assume that all orange juice, consumed both at home and away-from-home, contains calcium.

The fortification policy developed by the California Department of Education's Nutrition Education and Training Program for their nutrient standard feeding program is consistent with USDA's principles. The policy prohibits random fortification of food and encourages inclusion of a variety of conventional foods. The Food and Drug Administration's (FDA) fortification policy also prohibits the random addition of nutrients to foods and limits fortification to food that are suitable carriers. IDFA strongly recommends the adoption of the attached fortification policy developed for the California Department of Education's Nutrition Education and Training Program.

Inclusion of a Variety of Foods

The proposed regulations require that nutrition analysis be based on an average of the meals offered over the course of a week. IDFA encourages the inclusion of the proposed definition of "school week" in the regulations and believes that it is important to focus on the total diet rather than individual foods or nutrients. Each food or each meal should not be required to meet the dietary guidelines. It is more important that the diet consist of a variety of foods and that specific foods, including butter, not be completely eliminated from the diet.

As the food industry develops lower fat, lower sodium food products, these items should be included in the school feeding programs. The current system requires Food and Nutrition Service (FNS) to request a specific food item before Agricultural Marketing Service (AMS) develops a specification for the product. Research is then conducted to develop the item, including field testing and input from industry. Once specifications are developed, FNS may purchase the product. Many products FNS is requesting to purchase (e.g., lowfat mozzarella cheese, light cream cheese) already successfully exist in the retail market and thousands of new products are developed each year. To develop procedures to manufacture such a volume of products is unnecessary and time consuming. IDFA recommends that the method by which new food products are being included in the school lunch purchasing programs be evaluated before implementing the nutrient-based menu planning system for the school feeding program.

Nutrient Database

IDFA is very interested in USDA's criteria and requirements for inclusion of nutrition information provided by the food industry and other sources in the National Nutrient Database for Child Nutrition Programs used in the menu planning system. While not specifically addressed in the proposal, the database serves as an essential element in the proposed nutrient-based menu planning system. Because of the enormous burden that is involved in developing a nutrient database for inclusion in the school feeding program database, many food companies will be effectively excluded from the program.

The quality control requirements, exclusion of third party nutrient databases and the acceptance of only data developed after January 1993 are among the list of concerns that IDFA has with the criteria established for developing a nutrient database. The greatest concern IDFA has in developing such a database, is the cost to food companies. With so many barriers to overcome in developing a database, it is not likely that many food companies will undertake the burden. Unfortunately, if the criteria for developing a nutrient database is not modified, many food companies will choose not to participate. Not only will some of the students' favorite foods not be available in the school feeding program because they are not included in the nutrient database, but school food service operators will be limited in their selections when developing menus.

Since many resources have already been spent developing nutrient databases for commercial food labeling purposes, we encourage USDA to include databases that have been developed for that purpose. The dairy industry has been using a nutrient database to nutritionally label their products for over 20 years and should not be expected to redevelop a nutrient database simply to comply with a different set of criteria. **IDFA encourages the Department to incorporate all nutrient databases approved by FDA for nutrition labeling purposes as well as individual company databases in the National Nutrient Database for Child Nutrition Programs.**

In summary, IDFA strongly urges USDA to:

- postpone implementing the final regulations until the pilot projects are complete and all concerns such as cost of implementation and training and re-education of food service personnel, are addressed in the regulations;

- develop a separate set of dietary guidelines for children;

- include in the regulations a requirement that student participation in the school feeding program be maintained, if not increased;

- adopt the strict fortification policy currently being tested in the California pilot programs;

- encourage the inclusion of a variety of foods in the school feeding programs and not exclude specific foods, including butter;

- review the method by which new food products are being included in the school lunch purchasing programs;

- incorporate all nutrient databases approved by FDA for nutrition labeling purposes and individual company databases in the National Nutrient Database for Child Nutrition Programs.

IDFA appreciates the opportunity to submit our views to USDA on this important issue. If desired, we would be willing to further discuss these comments or provide additional information as necessary.

Sincerely,

E. Linwood Tipton

E. Linwood Tipton
President and CEO

cc: Mike Espy, Secretary of Agriculture
Ellen Haas, Assistant Secretary, Food and Consumer Services

(Attachment follows:)

Fortification

- Preferred sources of adequate nutrition are meals and snacks which provide a variety of conventional foods rather than formulated, fortified foods. Moreover, foods that are fortified with only a few nutrients may not supply other essential micro-nutrients which conventional foods supply.

- Nutrients added to foods can be counted toward the nutrient standard only if they were added in accordance with:

  (1) a Standard of Identity or Standard of Enrichment issued by the Food and Drug Administration (FDA) for the food item. Commonly enriched foods for which fortification is added under this provision include milk, margarine, commercially-prepared cereals, enriched bread and cereal products, and fruit products including canned prune juice, nectars, and canned applesauce;

  (2) a USDA purchase specification for a donated commodity food;

  (3) a Standard for an Alternative Food for Meals (see 7 CFR 210.10 and 220.8), excluding formulated grain/fruit products; or

  (4) a breakfast cereal available on the commercial market.

The nutrients added to fortify products, such as the USDA enriched macaroni with fortified protein, can be counted toward the nutrient standard.

- While fortified foods that do not meet these criteria can be planned into the menu, only nutrients that are naturally occurring in these foods can be counted toward meeting the nutrient standard. For example, the nutrients added to fortify products, such as formulated grain/fruit products (as defined by USDA), cannot be counted toward the nutrient standard. The menu planner must choose the generic version of a food without fortification for nutrient analysis. For example, if apple juice fortified with 100mg vitamin C is served, then apple juice without vitamin C must be used in the nutrient analysis of the meal the juice is included in. The 100mg of vitamin C cannot be used in the nutrient analysis of the meal because the level of vitamin C is not naturally occurring in the apple juice.

[California Department of Education's Nutrition Education and Training Program]

***** Pre Federal Register Publication Copy *****

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UNITED STATES DEPARTMENT OF AGRICULTURE
Food and Nutrition Service
7 CFR Parts 210 and 220

National School Lunch Program and School Breakfast Program: Nutrition Objectives for School Meals

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule

SUMMARY: This rule proposes to amend the regulations outlining the nutrition standards for the National School Lunch and School Breakfast Programs. It is part of an integrated, comprehensive plan for promoting the health of children. Specifically, this proposal would update the current nutrition standards to incorporate the Dietary Guidelines for Americans, which reflect medical and scientific consensus on proper nutrition as a vital element in disease prevention and long term health promotion. This proposal would also adopt meal planning based on analysis of key nutrients (Nutrient Standard Menu Planning) in lieu of the current meal pattern. These changes would be implemented no later than July 1, 1998. The Department will be providing State agencies and school food authorities with technical assistance to enable them to meet this implementation date.

In developing this proposed rule, the Department is responding to an array of medical and scientific evidence linking improper diet with increased incidence of heart disease, strokes and certain cancers. These proposals acknowledge the positive role school programs must play in establishing childhood eating patterns that influence lifelong habits. The Department also considered extensive oral testimony presented at four public hearings and meetings as well as written comments submitted in response to a notice published in the Federal Register on September 13, 1993.

In recognition of the importance of reinventing and streamlining government programs, this proposal would also remove various paperwork burdens associated with the school meal programs and would modify the review requirements for the National School Lunch Program to ensure adequate oversight of the proposed updated nutrition standards. The overriding purpose behind this proposed rule is to serve more nutritious and healthful meals to school children while maintaining access to the meal programs for needy children, and to enhance the flexibility of local schools to administer the programs.

Included at the end of this proposal is the Regulatory Cost/Benefit Assessment. The Assessment provides the background on the economic, market and benefit impacts of this proposal.

DATES: To be assured of consideration, comments must be postmarked on or before (90 days after publication in the Federal Register.)

ADDRESSES: Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia, 22302.

FOR FURTHER INFORMATION CONTACT: Robert M. Eadie at the above address or by telephone at 703-305-2620.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12866

This proposed rule is issued in conformance with Executive Order 12866 and has been designated significant.

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5

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U.S.C. 601 through 612). The Administrator of the Food and Nutrition Service (FNS) has certified that this rule will not have a significant economic impact on a substantial number of small entities. In the interest of furthering efforts to reinvent government, this rule proposes a substantial reduction in current State agency administrative burdens and a technical adjustment in the recordkeeping burdens. Moreover, the Department of Agriculture (the Department or USDA) does not anticipate any adverse fiscal impact on local schools. A recent analysis by FNS and the Department's Economic Research Service found that the menu planning aspects of this proposal can be met at the current cost of food in the National School Lunch Program. Therefore, food costs should not be a barrier to implementation of this regulation.

Catalog of Federal Assistance

The National School Lunch Program and the School Breakfast Program are listed in the Catalog of Federal Domestic Assistance under Nos. 10.555 and 10.553, respectively, and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (7 CFR Part 3015, Subpart V and final rule-related notice at 48 Federal Register 29112, June 24, 1983.)

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This proposed rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This proposed rule is not intended to have retroactive effect unless so specified in the "Effective Date" section of this preamble. Prior to any judicial challenge to the provisions of this proposed rule or the application of the provisions, all applicable administrative procedures must be exhausted. In the National School Lunch Program and School Breakfast Program, the administrative procedures are set forth under the following regulations: (1) school food authority appeals of State agency findings as a result of an administrative review must follow State agency hearing procedures as established pursuant to 7 CFR §210.18(q); (2) school food authority appeals of FNS findings as a result of an administrative review must follow FNS hearing procedures as established pursuant to 7 CFR §210.30(d)(3); and (3) State agency appeals of State Administrative Expense fund sanctions (7 CFR §235.11(b)) must follow the FNS Administrative Review Process as established pursuant to 7 CFR §235.11(f).

Information Collection

This proposed rule contains information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35). The title, description, and respondent description of the information collections are shown below with an estimate of the annual reporting and recordkeeping burdens. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The Department would like to note that the description of burden hours represents full implementation of the proposed regulation, which would be School Year 1998-99, and only provides for the recordkeeping burden associated with the proposed regulatory changes.

Title: National School Lunch Program and School Breakfast Program: Nutrition Objectives for School Meals

Description: Under this proposed rule on Nutrition Objectives, some existing recordkeeping activities contained in 7 CFR 210 and 220 would be affected. The OMB control numbers are 0584-006 and 0584-0012, respectively.

Description of Respondents: State agencies, school food authorities and schools doing on-site preparation of meals.

Estimated Annual Recordkeeping Burden:

7 CFR 210.8 (a)(3)	ANNUAL NUMBER OF RESPONDENTS	ANNUAL FREQUENCY	AVERAGE BURDEN PER RESPONSE	ANNUAL BURDEN HOURS
EXISTING	20,249	12	2 HOURS	485,976
PROPOSED	0	0	0	0
DIFFERENCE			//////////////////////////////////	-485,976

7 CFR 210.10 /210.10a	ANNUAL NUMBER OF RESPONDENTS	ANNUAL FREQUENCY	AVERAGE BURDEN PER RESPONSE	ANNUAL BURDEN HOURS
EXISTING	71,176*	180	.25	3,202,920*
PROPOSED	71,176	180	.333	4,266,289
DIFFERENCE			//////////////////////////////////	+1,063,369

*The current OMB approved burden is based on 70,455 schools. However, for the purposes of a more accurate comparison, the current burden has been adjusted here to include the same number of schools used to determine the proposed burden.

7 CFR 210.15 (b)(4)	ANNUAL NUMBER OF RESPONDENTS	ANNUAL FREQUENCY	AVERAGE BURDEN PER RESPONSE	ANNUAL BURDEN HOURS
EXISTING	20,249	12	52.333	12,716,291
PROPOSED	0	0	0	0
DIFFERENCE			//////////////////////////////////	-12,716,291

7 CFR 220.8 /220.8a	ANNUAL NUMBER OF RESPONDENTS	ANNUAL FREQUENCY	AVERAGE BURDEN PER RESPONSE	ANNUAL BURDEN HOURS
EXISTING	60,585*	180	.083	905,140*
PROPOSED	60,585	180	.117	1,275,920
DIFFERENCE			//////////////////////////////////	+370,780

*The current OMB approved burden is based on 48,982 schools. However, for the purposes of a more accurate comparison, the current burden has been adjusted here to include the same number of schools used to determine the proposed burden.

7 CFR 220.13(i)	ANNUAL NUMBER OF RESPONDENTS	ANNUAL FREQUENCY	AVERAGE BURDEN PER RESPONSE	ANNUAL BURDEN HOURS
EXISTING	5,658	12	34	2,308,464
PROPOSED	0	0	0	0
DIFFERENCE			//////////////////////////////////	-2,308,464

As required by section 3504(h) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3504(h), FNS has submitted a copy of this proposed rule to OMB for review of these information collection requirements. Other organizations and individuals desiring to submit comments regarding this burden estimate or any aspects of these information collection requirements, including suggestions for reducing the burdens, should direct them to the Policy and Program Development Branch, Child Nutrition Division, (address above) and to the Office of Information and Regulatory Affairs, OMB, Room 3208, New Executive Office Building, Washington, DC 20503. Attention: Laura Oliven, Desk Officer for FNS.

BACKGROUND

Nutrition Standards in the School Meal Programs

The primary purpose of the National School Lunch Program (NSLP), as originally stated by Congress in 1946 in section 2 of the National School Lunch Act (NSLA), 42 U.S.C. 1751, is "to safeguard the health and well-being of the Nation's children...." At that time, nutritional concerns in the United States centered on nutrient deficiencies and issues of underconsumption. Over time, meal requirements for the NSLP, 7 CFR 210.10, were designed to provide foods sufficient to approximate one-third of the National Academy of Sciences' Recommended Dietary Allowances (RDA). Participating schools were required to offer meals that complied with general patterns established by the Department. These patterns were developed to provide a balanced meal by focusing on minimum amounts of specific components (meat/meat alternate, bread/bread alternate, vegetables, fruits and dairy products) rather than on the nutrient content of the entire meal. Over the years, virtually no substantive changes have been made to these patterns.

An array of scientific data now augments our knowledge by documenting that excesses in consumption are a major concern because of their relationship to the incidence of chronic diseases. The typical diet in the United States is high in fat, saturated fat and sodium and low in complex carbohydrates and fiber. The meal requirements for the NSLP have not kept pace with the growing consensus of the need to modify eating habits. Given the importance of school meals to the nation's children, especially needy children, the Department is committed to meeting its health responsibilities by updating the nutrition standards for school meals to ensure that children have access to a healthful diet as well as an adequate one. To accomplish this task, the Department is proposing to have school meals conform to the *1990 Dietary Guidelines for Americans* (hereinafter referred to as the Dietary Guidelines) as well as provide proper levels of nutrients and calories.

Although this proposal would expressly incorporate the 1990 Dietary Guidelines into the school meals programs' nutrition requirements, the Department will consider incorporating into the regulations any updates of the Dietary Guidelines or other scientific recommendations. Specific use of the 1990 Dietary Guidelines will allow the Department to review any revisions of the Dietary Guidelines to determine their applicability to school programs, and will avoid any undue burden on State agencies and school food authorities to make the changes without the direction of implementing regulations.

Scientific Studies Leading to Development of the Dietary Guidelines

Over the past thirty years a large body of evidence based on epidemiological, clinical and laboratory investigation has established that dietary patterns in the United States are associated with an increased risk of chronic disease including coronary heart disease, stroke, diabetes and certain types of cancer (*Surgeon General's Report on Nutrition and Health*, 1988; National Academy of Sciences, *Diet and Health: Implications for Reducing Chronic Disease Risk*, 1989). Research summarized in the *Surgeon General's Report* indicates that five of the ten leading causes of death in the United States are associated with diet.

As a result of this accumulating body of scientific research establishing diet/disease links, dietary recommendations for the United States population were developed in the late 1970's. The first of these developed in 1977 by the Senate Select Committee on Nutrition and Human Needs, established Dietary Goals for the United States. This was followed closely by *The Surgeon General's Report: Healthy People* (1979). USDA and the Department of Health and Human Services (DHHS) released the first *Dietary Guidelines for Americans* in 1980.

The Dietary Guidelines were subsequently updated in 1985 and again in 1990. Also in 1990, Title III of the National Nutrition Monitoring and Related Research Act of 1990 (NNMRRA) (P.L. 101-445), 7 U.S.C. 5301, *et seq.*, was enacted. Section 301 of the NNMRRA, 7 U.S.C. 5341(a), requires that the Dietary Guidelines be reviewed at least every five years by a panel of experts in the various fields that contribute to nutrition guidance. The task of the panel is to decide whether there is sufficient evidence for altering the existing Dietary Guidelines and, if so, to recommend specific changes. The Secretaries of the DHHS and USDA then make the final decision on whether or not to incorporate the recommended changes.

The process was first established when the Senate Appropriations Committee, in November, 1980, stipulated that a Dietary Guidelines Advisory Committee be established to review the first edition of the Dietary Guidelines and to make any recommendations deemed appropriate. The committee consisted of nine members (three from USDA, three from DHHS and three selected from a list of nominees recommended by the National Academy of Sciences). In 1988, a second committee comprised of nine prominent experts in nutrition and health was appointed by the Secretaries of USDA and DHHS. Pursuant to Section 301(a) of the NNMRRA, a Dietary Guidelines Advisory Committee will be empaneled in 1995 to determine whether the 1990 Guidelines should be modified.

As a result, the Dietary Guidelines are based on the best available scientific and medical knowledge. Consequently, the Department is proposing to use the Dietary Guidelines as the basis for the nutrition standards for school meals. This established procedure enables medical and scientific experts to continually review and recommend updating of the Dietary Guidelines in light of the most current and highly-regarded data in this area. Moreover, the private sector and general public have widely endorsed and relied upon the Dietary Guidelines in nutrition education programs, activities and marketing. Because of the widespread acceptance of the recommendations in the Dietary Guidelines, the Department believes that the transition to using these recommendations as the cornerstone for the school meal programs will be readily accepted.

The 1988 *Surgeon General's Report on Nutrition and Health* and a 1989 National Academy of Science Report: *Diet and Health: Implications for Reducing Chronic Disease Risk* reinforce the Dietary Guidelines. One common theme runs throughout each of the publications, that is, an improved diet can have positive health consequences.

The most recent *Diet and Health* report issued by the Food and Nutrition Board of the National Academy of Sciences (1989) provides a very thorough review of the scientific evidence linking diet to disease and gives quantifiable goals for some of the Dietary Guidelines. The report recommends that Americans reduce fat intake to 30% or less of calories, reduce saturated fat intake to less than 10% of calories and reduce the intake of cholesterol to less than 300 mg per day. The report also recommends that sodium intake be limited to 2400 milligrams or less per day.

School Meals' Lack of Compliance with Current Dietary Guidelines

The current Dietary Guidelines recommend that people eat a variety of foods; maintain a healthy weight; choose a diet with plenty of vegetables, fruits, and grain products; and use sugar and sodium in moderation. The Dietary Guidelines also recommend diets low in fat, saturated fat, and cholesterol so that over time, fat comprises 30 per cent or less of caloric intake, and saturated fat less than 10 per cent of total calories, for persons two years of age and older.

However, information available to the Department consistently shows that children's diets, including meals served in schools, do not conform to the recommendations of the Dietary Guidelines. For example, according to data from the 1989 and 1990 *Continuing Survey of Food Intakes by Individuals* conducted by USDA, fat composed, on average, 35 per cent of calories for the diets of children ages six to nineteen.

Equally significant were the findings of a nationally representative USDA study entitled the *School Nutrition Dietary Assessment (SNDA) Study*. Released in October, 1993, the SNDA Study presented findings on the nutrients and foods provided in school meals and described the dietary intakes of students on a typical school day. A total of 545 schools were surveyed, and approximately 3,350 students in grades one through twelve (with assistance from parents for children grades one and two) provided detailed information about foods and

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beverages consumed in a day that included school attendance. The study compared nutrients provided in school meals with the Dietary Guidelines' recommendations on fat and saturated fat, the National Research Council's (NRC) Diet and Health Recommendations on sodium, cholesterol and carbohydrate intake, and the current objective that the nutrients provided in the NSLP meet one-third of the RDA and that the School Breakfast Program (SBP) meet one-fourth of the RDA.

The SNDA findings showed that, while school lunches meet or exceed one-third of the RDA for key nutrients and food energy, they do not meet the recommended levels of fat and saturated fat established by the Dietary Guidelines. In fact, the report showed that school lunches exceeded the Dietary Guidelines' recommendations for fat and saturated fat. Specifically, the average percentage of calories from total fat was 38 per cent compared with the recommended goal of 30 per cent or less; and the percentage from saturated fat was 15 per cent, compared with the recommended goal of less than 10 per cent. The report also found that children who ate the school lunch consumed a significantly higher amount of calories from fat than children who brought their lunch from home or obtained a lunch from vending machines or elsewhere at school. Further, the report showed that virtually no schools were in compliance with the Dietary Guidelines. In over 40 percent of schools, students could select a meal that met the Dietary Guidelines, but few did so. The SNDA study also showed that while school meals met the NRC recommendation on cholesterol, the meals did not meet the NRC recommendations on sodium and carbohydrate levels. In fact, the level for sodium, at 1,479 milligrams, was nearly two times the lunch target of 800 milligrams.

Even though the SBP did meet most of the recommendations in the Dietary Guidelines, the majority of school meals do not conform to current scientific knowledge of what constitutes a healthful diet. The SNDA findings underscore that the program has not adapted or changed school meal patterns over the years to incorporate scientific knowledge about diet. This situation is cause for concern because it demonstrates the need for significant improvement if the programs are to play their appropriate role in promoting long-term health through proper nutrition.

As the first step toward achieving meaningful improvement in children's diets and, thus, their health and future well being, the Department considers it necessary to update the regulations which establish the specific nutrition criteria for reimbursable school meals to incorporate the RDA for key nutrients, energy allowances for calories, and the most current nutritional standards as outlined in the Dietary Guidelines. In this way, the school meal programs can provide an example of nutritional achievement as well as ensuring that children are served healthful meals.

Before proceeding with a rulemaking, however, the Department recognized the importance of public input. The following is a description of the Department's procedure for obtaining input and a discussion of significant issues raised by commenters.

Providing a Public Forum

To obtain input from the public prior to drafting proposed regulations, the Department solicited comments on nutrition objectives for school meals through public hearings and written comments. In a Notice published in the Federal Register (58 FR 47853, September 13, 1993), the Department announced a series of four public hearings. Any person who was interested could register to speak at any of the hearings. Persons unable to testify in person were invited to submit written comments. The Notice identified the following four questions as the focus areas for comments and suggestions:

I. What are the health consequences of children's current dietary patterns?

II. How can the Dietary Guidelines for Americans be used to bring about measurable nutritional improvements in school meals and in children's diets?

III. What are the opportunities and obstacles in meeting current nutrition recommendations in school meal programs?

IV. What actions can the USDA, parents, school food service, food industry and other public and private organizations take to encourage the implementation of current nutrition recommendations in local schools?

The four hearings were held in Atlanta, Georgia on October 13, 1993; in Los Angeles, California on October 27, 1993; in Flint, Michigan on November 12, 1993; and in Washington, D.C. on December 7, 1993. Each hearing was presided over jointly by officials from USDA and officials from USDA's Federal partners in this effort--the Department of Education (DOEd) and DHHS. The inclusion of representatives from DOEd and DHHS is an important asset in modifying the school meal programs both because of their expertise and their missions. The school meal programs must be considered in the context of the educational framework, as overseen by DOEd, and the national policies regarding health care and disease prevention under the aegis of DHHS. Therefore, USDA is very pleased that a partnership is being forged among all Federal agencies responsible for assisting the nation's schoolchildren. USDA is also pleased to be working with DOEd and DHHS to further their policy initiatives--Goals 2000: Educate America Act (DOEd) and Healthy People 2000: National Health Promotion and Disease Prevention Objectives (DHHS). Of particular concern are solutions to issues such as increasing public awareness of the links between diet and health, familiarizing the public with the need to establish good eating habits in children that will be carried on through their lifetimes and finding innovative ways to incorporate the school meal as a learning experience into daily school curriculums.

A variety of witnesses from the fields of medicine, nutrition and education, food service, production and processors and other food industry representatives, as well as parents, students and other consumers and the general public, testified at each of the hearings. Witnesses were asked to focus their remarks on one of the four questions stated above. A transcript of each hearing was prepared, and witnesses could, if they wished, also submit written testimony and copies of any materials used to prepare their remarks. As noted above, the Federal Register Notice also solicited written comments from anyone who could not attend one of the hearings. To be assured of consideration, comments had to be submitted on or before December 15, 1993. The written testimony and all comment letters were reviewed and analyzed by the Department prior to preparation of this proposed regulation. This portion of the preamble provides a summary of the comments.

Summary of Comments Received

The overwhelming majority of commenters, representing a broad range of backgrounds and experiences, called for improvements to school meals. Comments from the public, students, and parents, while expressing serious concerns and supporting change, were general in nature and provided few specific details. However, commenters from the medical, nutrition, and food advocacy communities, State and local food service professionals, and food industry representatives provided detailed information and frequently recommended specific actions.

Commenter Categories

A total of 363 witnesses testified at the hearings, and an additional 2,013 written comments were received by the Department. Of the 2,376 commenters:

21% were medical professionals, nutritionists or dietitians, representatives of public health, nutrition, or food organizations;
21% were from the general public;
21% were parents and students;
16% were school food service personnel, representatives of school food service organizations or representatives from State education/child nutrition agencies;
11% were teachers, school officials or representatives from school associations;
7% were food industry representatives; and
3% were representatives of other State or Federal agencies or members of Congress.

The Department is very pleased that so many persons took the time to testify or to submit written comments and would like to take the opportunity to express its appreciation for their comments and suggestions. The commenters represented an extensive cross-section of perspectives and provided a great variety of opinions

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and recommendations. Especially gratifying were the number of students and parents who commented. These groups are, after all, the constituency that the Department considers program "customers," and it is these groups the Department is seeking to serve better.

Comment Breakdown

The following number of commenters addressed some aspect of the four basic questions: I: 796; II: 703; III: 752; IV: 1,464. Though comments varied greatly in content, the following significant themes emerged: (1) the need to improve school meals in order to improve the health of children; (2) the need for school meals to reflect current nutrition recommendations, specifically reductions in fat and saturated fat as recommended in the Dietary Guidelines; (3) the importance of an integrated nutrition education program that involves students, parents, teachers, and school food service personnel; (4) the need to revise current commodity programs to provide schools with more nutritious foods; and (5) the need to incorporate nutritional improvements while at the same time improving the appeal of meals offered to ensure that nutritious meals are consumed.

The Department also notes that many commenters raised distinct issues within the four stated questions. For example, many commenters cited the need for vegetarian alternatives; others argued for inclusion of fast food companies in the NSLP, and several specific commodity issues were raised. Therefore, the Department has included an analysis of several of these issues in this preamble. Following are the more prevalent issues raised by the over 2,300 commenters and the number of commenters who addressed them:

(1) fat levels in school meals: 1,048;
(2) the need for more fruits and vegetables: 829;
(3) the importance of nutrition education: 794;
(4) concerns about milk and dairy products including the statutory requirement for whole milk and recommendations for a beverage substitute: 887;
(5) the Department's Food Distribution Program and commodities: 493;
(6) the costs and operational difficulties of implementing the Dietary Guidelines: 448;
(7) the need for whole grains in school meals: 387;
(8) fast foods and fast food companies (both for and against availability in schools): 385;
(9) vegetarian alternatives for school meals: 263;
(10) sodium levels in school meals: 213;
(11) the importance of breakfast: 200.

Readers should note that while all comments were taken into consideration, this preamble does not generally discuss individual comments. The preamble does, however, address the common themes which emerged and responds to specific individual comments when they raised significant issues.

Health Consequences Comments

Close to 800 commenters addressed some issue relevant to health consequences and diet. The majority of commenters were from the public and the medical communities. Generally speaking, all of the commenters focused on the link between diet and disease, specifically, cardiovascular disease, obesity, and cancer. The majority of these commenters cited the high incidence of cardiovascular disease in the United States, both among children and adults, and the need to improve the diets of young children in order to prevent the development of heart disease in adulthood.

Many commenters wrote in support of the positions taken by a number of major medical associations. These commenters focused on the importance of improving the diets of children, given the strong evidence that heart disease begins early in life, and emphasized the need to provide foods rich in fiber and complex carbohydrates for the possible prevention of some cancers.

A number of commenters addressed the potential link between diet and learning and behavioral difficulties. These comments ranged from general observations regarding improper nutrition and lack of concentration, to specific concerns addressing functional disabilities, behavioral disturbances, fatigue, and cognitive disabilities.

Commenters also pointed out that nutritional issues are especially vital for under-privileged and ethnic populations. Specifically, commenters cited the poor nutritional intake among low income children and certain minority populations. One commenter indicated that these populations, who are most at risk, do not appear to associate nutritional risk factors with leading causes of death. Commenters also expressed concern over the high incidence of major diseases among low-income, minority populations - specifically, the higher incidence of heart disease and hypertension among African-Americans, obesity among Hispanics and Native Americans, and diabetes among Native Americans.

Finally, a large number of commenters addressed the growing incidence of obesity among children, and the threat this poses to future health. A number of commenters expressed concern over the lack of physical activity in schools as a factor leading to the increase of obesity among school children. Several indicated the need to integrate exercise with other components of good health including school meals. In addition, the unique needs of children with special health problems, the need for proper diet in the prevention of osteoporosis, and the escalating cost of health care and the role of diet as a preventative measure were identified as important concerns.

Dietary Guidelines for Americans' Comments

Over 700 commenters, many from the public and from the school food service community, addressed the issue of school meals meeting nutritional guidelines, the majority of which overwhelmingly agreed that meals should comply with the Dietary Guidelines, especially the recommended limits on fat and saturated fat. Most commenters agreed with the need for school meals to meet the Dietary Guidelines; however, several commenters indicated that compliance with the Dietary Guidelines should be voluntary. With respect to the current meal patterns, many school food service commenters indicated that they could not meet the Dietary Guidelines within the meal pattern requirements, and others indicated that the current meal pattern requirements make it difficult to provide multi-cultural meals to children.

Many commenters supported the implementation of Nutrient Standard Menu Planning (NSMP), a menu planning system that is based on the analysis of nutrients. Commenters believed this system would provide increased flexibility in meal planning as well as consistent analysis of nutrients. Commenters also suggested that the NSMP approach can assist in providing more culturally diverse meals. It must be noted that some commenters expressed concern that some smaller schools may not have or be able to afford the technical capability needed to conduct the analysis. Some commenters also suggested that the Department or State agencies should develop menus that meet the Dietary Guidelines. These menus can be used by smaller and school districts with fewer resources, which may initially have difficulty implementing NSMP.

Nutrition Education Comments

Close to 800 commenters pointed to the need for nutrition education for parents, teachers, children, food service staff, and school administrators. Many commenters came from the nutrition and food service arenas as well as the general public. Commenters supported the idea that nutrition education should be included in comprehensive health education curriculums and should begin at an early age. Commenters also indicated the need for nutrition education to be reinforced by healthful meals in the cafeteria. Commenters pointed to the need for a national nutrition media campaign. Many school food service commenters expressed their desire for national minimum professional standards which food service personnel would be expected to meet. In addition, a significant number of commenters urged health promotion as a component of health care. Finally, many commenters supported the need for increased funding for the Department's Nutrition Education and Training (NET) program, 7 CFR Part 227.

Taste and Plate Waste Comments

Many commenters from a wide range of commenter categories were quite critical of the current quality of school meals, noting that lack of appeal leads to increased plate waste. Some cautioned, however, that drastic changes in the kinds of food served may drive children away from school meals. These commenters generally supported the need to make meals both appealing to children and nutritious. A number of commenters also cautioned that the increased amount of certain foods that may be necessary to provide a nutritious diet may result in more plate waste if children do not find the meals to be appetizing. Several commenters supported the need to involve culinary institutes and chefs in meal preparation as a way to improve taste and presentation.

Fat in Meals Comments

Nearly one out of two commenters discussed fat in school meals, with most of these commenters coming from the general public and the medical community. The large majority of commenters who addressed the issue of fat content cited the need to lower fat and saturated fat levels in school lunches. Some of the comments were general statements such as "need more low fat foods," while others made specific recommendations detailing the levels of fat and saturated fat that school meals should meet.

A number of medical, public health, and school food service related organizations addressed this issue, all of which were in support of lowering the fat content of meals. A number of commenters recommended that the fat content of meals be set at between 10 to 20 percent of total calories-lower than the current Dietary Guidelines recommendation of 30 percent of calories from fat.

A number of food service workers and directors cautioned that increasing portion sizes of certain foods and serving more expensive fresh produce to meet a 30 percent limit on calories from fat may result in higher costs. Some commenters also expressed concern that lowering fat may result in decreased calories critical for growing children. Several commenters advised that low fat meals need to be appealing so children will consume them.

Several industry representatives indicated that industry is responsive to the need to lower fat and is already making a number of changes to provide more low fat products. A number of commenters, including food service staff, parents and members of the general public made specific recommendations on how to lower fat in school meals, such as trimming or draining fat from meat, eliminating added fats from vegetables, and serving soups more often.

Moreover, many commenters, primarily students and the general public, suggested that the fat content in school meals could be reduced by offering more vegetarian meals, eliminating the whole milk requirement, revising the commodity system to encourage more purchases of low fat items such as fruits and vegetables, and reducing the amount of fast food items and processed foods in school meals.

Meat and Meat Related Comments

The Department received over 200 comments related to meat products, with most comments coming from students, parents and the general public. Many commenters indicated that the current serving size for the meat/meat alternate component is too large and recommended that schools cut down on the amount of meat served. Commenters also indicated that more poultry and fish should be offered. Some commenters recommended that tofu and isolated soy proteins, as well as yogurt, be added to the list of allowable meat alternatives. (The Department wishes to call attention to the fact that isolated soy proteins are currently permitted with some limitations.) On the other hand, several industry representatives cautioned against reducing the amount of meat too much due to its nutritional contributions, specifically, essential amino acids, iron, zinc, and vitamin B6. They also observed that children are familiar with meat and will consume it more readily than some alternative protein sources.

Menu Selection and Variety Comments

The Department received over 250 comments in support of offering more vegetarian meals. Commenters supported the low fat nature of vegetarian meals and their contribution to a healthful diet. Others addressed the need to expose children to more vegetarian foods and foods from diverse cultures at an early age. Some commenters provided specific examples of non-meat items, such as tofu and other plant-based sources, that could be used in school meals, while others simply indicated a general need for more meat-free alternatives. Students as well as school food service personnel indicated the need to offer vegetarian choices as students are requesting them more.

The Department received over 800 comments in support of the use of more fruits, vegetables, or grain products. Commenters gave specific recommendations regarding preparation methods and serving ideas, including offering salad bars more frequently, increasing the variety of fruits and vegetables, and serving more whole grain items. Others recommended the use of more grain and bean products, citing their nutritional benefit as well as low cost. Many school food service commenters expressed concern over serving more and a wider variety of fruits and vegetables as children may not be familiar with them and, therefore, may not consume them.

Breakfast Comments

About 200 commenters, primarily from the medical, school food service, and education communities, addressed breakfast meal issues with a number of these commenters supporting the importance of breakfast to the health of children. A number of food service personnel indicated their success with the SBP and desire to increase participation. Others, while supporting the SBP, expressed concern with the nutritional quality of breakfasts currently offered.

Financial, Paperwork, and Other Operational Obstacles Comments

Over 250 commenters addressed financial and paperwork obstacles, with many of these comments coming from food service (local and State) professionals, the general public, and the nutrition community. A number of commenters indicated that the need to avoid operating at a deficit has prevented food service staff from providing more nutritious meals. Commenters also complained that the amount of paperwork required to administer the feeding programs is excessive and that the review system is cumbersome and inflexible. Specifically, commenters stressed the need to focus more on nutrition and less on meal-by-meal accountability, income verification, and review requirements.

Many commenters expressed concern over the cost of producing meals under the current meal pattern system. Commenters indicated that schools already find it difficult to provide meals within current resources and maintained that any further nutritional requirements placed on schools would result in additional financial hardship. Commenters specifically noted obstacles such as the increased cost of providing more foods such as fresh fruits and vegetables, low fat and low sodium ingredients, and the increased portion sizes needed to meet the nutrition standards without exceeding the 30% fat limitation. On the other hand, some parents and students indicated that they would be willing to pay extra for more nutritious meals.

A number of commenters indicated that the school meal periods are not adequate, thereby forcing students to throw food away, consume it too quickly, or bring meals from home to prevent waiting in the lunch line. Others expressed concern that more nutritious meals would require larger portions or extra food items that children may not be able to consume during short lunch periods.

Partnerships and Coordination Comments

A number of commenters expressed the need for the Department to establish partnerships with other Federal agencies such as DOEd, DHHS, the Centers for Disease Control and Prevention, as well as with industry representatives, State agencies, school boards, nutrition professionals, extension programs, parents, teachers, and especially students. Commenters also addressed the need for Federal efforts to support, not hamper, local efforts. Commenters indicated that the Department should use its resources and purchasing power to promote change and improve meal quality.

Commodity Comments

The Department received close to 500 comments on various aspects connected with the donation of commodities to schools. The majority of these commenters were from the general public as well as the school food service and industry arenas. Over 250 commenters indicated that a more healthful variety of USDA commodities should be made available to States. The majority encouraged the Department to reduce the amount of fat, cholesterol, and/or sodium in the commodities. These and a number of closely related comments are perhaps best characterized by the opinion of over 50 commenters that the commodities

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provided to the NSLP should comply with the Dietary Guidelines.

The Department also notes that over 100 commenters addressed the Department's September 1993 announcement of the Fresh Fruit and Vegetable initiative. Most of the comments were supportive of the initiative. Twenty-five commenters stressed the need to use the funds available to schools for direct food purchases as effectively as possible.

Miscellaneous Comments

Some commenters indicated the need to upgrade school kitchens to allow for the storage and preparation of more nutritious meals. In line with this objective, some commenters urged reauthorization of Federal funding for food service equipment. Commenters also pointed to the need for schools to disclose nutrition information so that students can make informed choices and parents and the community would have a basis by which to assess progress. A number of commenters cautioned against instituting changes too rapidly and encouraged the Department to take gradual steps. Others recommended that the Department market successful programs to serve as models. Several commenters recommended that the Department allow for a reimbursable snack to be served as a way to supply the extra foods that may be required to meet nutritional standards.

Other Comments Not Addressed in this Proposal

Finally, the Department wishes to call attention to several issues raised by commenters that are not germane to this proposal, either because of statutory constraints or because they address areas in which the Department believes State agencies and school food authorities need flexibility.

Milk and Dairy Products

The Department received over 600 comments regarding milk and dairy products, with most comments coming from the general public, parents and the school food service community. The majority of commenters recommended that schools not be required to offer whole milk, with a large number of these comments coming from the food service community. Commenters' reasons for eliminating the whole milk requirement included the high fat content, the perceived conflict with the Dietary Guidelines and its higher cost. Many commenters also recommended that non-dairy alternatives be offered in place of milk, as dairy products are high in fat, cholesterol, and protein; contain little iron and fiber; and, commenters claimed, are not tolerated well by many children. Commenters also recommended that more skim, one percent, and two percent milk be offered.

A few commenters supported maintaining the whole milk requirement, on the grounds that children may not consume low fat alternatives and eliminating the requirement would be costly to the Federal dairy program. Others, while not supporting the whole milk requirement, did caution against reducing or eliminating dairy products, as they provide necessary calcium for growing children.

The Department wishes to call attention to the fact that the requirements that fluid milk be available as a beverage and that whole milk be available as an option for the NSLP, are required by section 9(a)(2) of the NSLA, 42 U.S.C. 1758(a)(2). Therefore, the Department cannot deviate from these provisions by regulatory action.

Free Meals to All Children

Over 140 commenters, primarily from the school food service community, advocated a program in which meals would be served free of charge to all children, regardless of their families' economic status. Such a program would eliminate the income eligibility requirements, and all children would receive meals free of charge, regardless of their family's income. Many indicated that such a program would reduce paperwork, increase time for necessary nutrition-related activities, and reduce the stigma associated with participation.

Again, however, such a revision would require specific statutory authority in light of the requirement of section 9(b)(1)(A) of the NSLA 42 U.S.C. 1758(b)(1)(A), that school meals be provided at no cost only to those children from households with incomes of less than 130% of the Federal Income Poverty Guidelines. The

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Department also notes that such a program, implemented fully in all schools, would increase the cost of NSLP by $7 billion if fully implemented in School Year 1996. About one-half of this increase would be spent on higher reimbursement for meals currently reimbursed at the fully paid and reduced price rates. In other words, about $3.5 billion of the additional funding would be spent even before reaching any more children.

Fast Foods, Competitive Foods, Other Foods

Several commenters were concerned with the increase of fast food companies, fast food-like items and competitive foods of low nutritional value that are sold in schools. Others felt that, since fast foods are popular, their use should be increased. The Department is not proposing any specific provisions on fast foods or competitive foods at this time. However, it should be noted that, under this proposal, meals claimed for reimbursement which include such foods will be required to comply with established nutritional standards over one week. Further, school food authorities would be required to continue to observe the restrictions currently in the regulations prohibiting the sale of foods of minimal nutritional value in competition with the NSLP and SBP.

Several commenters recommended that certain kinds of foods - principally milk, meat and processed foods - be eliminated entirely from program meals. These recommendations were based on the assumption that some foods are good for people and some are intrinsically bad. However, the Department does not share this view. The Department continues to believe that it is important to obtain essential nutrients from a variety of foods. The Department also emphasizes that foods, particularly those high in fat, must be eaten in moderation, but there are no plans to prohibit any foods from school meals other than the foods of minimal nutritional value currently enumerated in Appendix B of Part 210 for the NSLP and §220.12 for the SBP.

Minimum Professional Standards

Some commenters suggested that the Department establish minimum professional standards for local food service workers. The Department is aware that efforts are being made to address this issue. For example, the American School Food Service Association has developed a program to certify food service workers. However, given the wide range of variances in needs and resources among the 20,000 school food authorities and 92,000 schools operating under the NSLP, as well as varying State requirements, the Department does not believe it is feasible to propose uniform national standards. Nevertheless, the Department does intend to continue to provide technical assistance and guidance to both State agencies and local school food authorities on ways to improve food service operations.

Cash in Lieu of Commodities/Commodity Letter of Credit

Under section 18(b) of the NSLA, 42 U.S.C. 1769(b), Congress established the Cash in Lieu of Commodities (CASH) and Commodity Letter of Credit (CLOC) demonstration projects as a means of examining alternatives to the current commodity distribution system for schools. Under CASH, schools receive their per-meal commodity support entitlement (currently $.14) in the form of a direct cash payment. CLOC provides commodity support through a Letter of Credit which must be used to purchase specific commodities that mirror the Department's commodity purchases. Fifty-nine school districts participate in the CASH/CLOC demonstration. The current project authorization expires at the end of Fiscal Year 1994.

Several commenters supported CASH/CLOC, while a small number opposed it. Others implicitly favored the current commodity distribution system if more healthful commodities can be provided. These commenters would support alternatives only in the event that the current commodity system cannot be strengthened and improved. The Department intends to continue and expand efforts already underway to improve the commodity program. Moreover, the Department does not have the statutory authority to address the CASH/CLOC issue through the rulemaking process.

Guiding Principles and Framework for Action

Improving the nutritional standards of school meals is our national health responsibility. There is no question that diet is linked to health and that chronic disease often begins in childhood. Since eating habits are firmly

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established by age 12, it is essential that dietary patterns be formed early. What children eat helps determine not only how healthy they are as children, but how healthy they will be as adults. Updating our nutrition standards and streamlining the administration of school meals programs reinforces President Clinton's priorities for health care reform and government reinvention. Five principles are at the core of our vision and grow out of our analysis of public comments and the participation of those who hold a stake in a healthy future for our children.

These principles are:

HEALTHY CHILDREN: our goal is to provide our nation's children with access to school meal programs that promote their health, prevent disease, and meet the Dietary Guidelines for Americans.

CUSTOMER APPEAL: we understand that if food doesn't look good or taste good, children will not eat it. We must involve students, parents, teachers, and the food and agriculture community in any change through a national nutrition education campaign, using the media that children and parents understand and speaking in the language that they speak.

FLEXIBILITY: we have to reduce the burden of paperwork, streamline reporting systems, recognize regional and economic differences and offer schools different approaches to designing menus that meet the Dietary Guidelines. To do this, we must use technology more effectively.

INVESTING IN PEOPLE: we must provide schools and school food service directors with the training and technical assistance they need to bring about nutrition changes in the school meals programs and build the nutrition skills of our nation's children, and thereby improve their health.

BUILDING PARTNERSHIPS: to meet our national health responsibility to American children and to increase cost effectiveness, we must forge partnerships throughout the public and private sectors. This includes continuing collaborative efforts with our federal partners at the Departments of Education and Health and Human Services and building bridges to consumer and industry groups.

Guided by these five principles, USDA constructed a comprehensive, integrated framework for action:

I. **EATING FOR HEALTH: Meeting the Dietary Guidelines**

School meal nutrition standards will be updated and expanded to include the Dietary Guidelines for Americans with standards for fat and saturated fat as well as required nutrients. The current meal planning system which requires that certain types of foods be served in certain quantities will be replaced by a more flexible system that allows schools to concentrate on serving a variety of foods in amounts that are suitable for children.

II. **MAKING FOOD CHOICES: Nutrition Education, Training and Technical Assistance**

It is not enough to change the food on the plate. We must also provide the knowledge that enables children to make choices that lead to a nutritious diet and improved health. It also is vital that local meal providers receive training on how to improve meal quality. This dual initiative to educate children and assist meal providers offers many opportunities to influence both what foods are offered by schools and what foods are eaten by children.

III. **MAXIMIZING RESOURCES: Getting the Best Value**

By marshalling all available resources and strengthening partnerships with our state and local cooperators, we will stretch food dollars and cut costs while improving the nutritional profile of commodities. We will enhance access to locally grown commodities and better use regional agricultural resources. And we will provide assistance, training and the power of federal purchases to help school administrators manage school meals programs in a more cost-effective manner.

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IV. MANAGING FOR THE FUTURE: Streamlined Administration.

It is necessary to reduce paperwork and administrative burdens of local administrators. We will streamline procedures and emphasize administrative flexibility to free state and local food program managers to concentrate on nutrition.

The Framework for Action

The regulatory proposals that follow are intended to support the Department's goal of promoting the long term health of children through updating nutrition standards to include the Dietary Guidelines. In addition, several of the proposals reflect the Administration's desire to streamline administration of government programs through increasing State and local flexibility and making better use of advanced technology.

It is important to recognize, however, that these regulatory proposals are but one part of the Department's overall plan for improving the quality of school meals. The Guiding Principles and Framework for Action described above grew out of public comment and the recognition that it is not enough just to change the food served to children on their plates. What is required is a much broader approach that includes significant administrative actions initiated by the Executive Branch.

For example, the Department is committed to investing in people--both the State and local professionals who operate the program and the children who participate in it. This investment will take the form of nutrition education to build the skills necessary to make healthful food choices, training for food service workers and technical assistance. The Department has already committed existing funds toward the development of improved recipes for school meal service, a computerized data bank of standard nutritional values for foods served in the school meals program, and a demonstration project on the use of Nutrient Standard Menu Planning. On the nutrition education front, the Department has already announced a strategy that includes challenge grants to localities to develop community-based, comprehensive approaches to nutrition education and a nutrition publication directed at grade school children. The Department is also assisting local school food service professionals in working with chefs, farmers and others to harness all of their unique skills to make school meals appealing and healthful, and to educate children about food and cooking.

Looking to the future, the Administration's budget proposal for Fiscal Year 1995 contains a request for $18.4 million in additional funds to support nutrition education and technical assistance. Plans for these funds include extensive training for local school meal providers on how to plan and prepare nutritious and appealing meals as well as launching a national media campaign directed at building children's skills at making wise food choices for life-long health.

All these initiatives are being undertaken with the support of USDA's Federal partners at DHHS and DOEd. This collaboration extends to addressing issues of common concern such as reducing redundant paperwork requirements, integrating nutrition education into school curriculum and exploring ways to integrate the school meals program more fully into the school environment and into school-based health initiatives. Within the Department, there are also plans to strengthen ties with the Food Service Management Institute and, indeed, with private organizations so that as many resources and as much creativity as possible can be brought to bear on this important issue of improving children's health through sound nutrition.

Efficient and effective government requires that the use of the finite resources available to administer the programs be maximized. Therefore, part of the Department's Framework for Action is to maximize resources wherever possible. One of the important avenues to pursue in this regard is effective use of the USDA commodity program. The Department recognizes that commodity foods are a significant component of the meals that are served to children and, therefore, need to be as nutritious as possible. A wide variety of foods ranging from grain products to fruits and vegetables to meat, poultry and fish are already being offered. The Department plans to continue to offer this wide array of foods. Improvement is always possible, however, and the Department intends to intensify its review of purchase specifications to assure that products are as low in fat and sodium as possible while still maintaining palatability for consumers.

In addition, the USDA agencies that are key partners in delivering commodities are working with one another.

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as well as with industry, to modify labels on commodities that go to the schools to include nutrition information, and to develop new products, like low-fat cheeses, that will provide the schools with more flexibility to meet the Dietary Guidelines. This latter effort will have a salutary effect not only on the commodity program, but could also prove useful in providing schools with a larger array of healthful products to choose from when they make their local purchases.

Because schools do purchase significant amounts of food independent of the commodity program, the Department is also considering various other strategies for improving the quality and effectiveness of those purchases. For example, a pilot test is planned for School Year 1994 with the Department of Defense to procure produce for the school meal programs. Through this project, schools can obtain a much wider variety of fresh produce than USDA can provide directly. The Department is also working to facilitate interaction among schools, State Departments' of Agriculture, small resource farmers and farmers' markets. This has great potential for improving the quality of the foods used by those schools that are close to particular growing areas as well as providing important new markets for small farmers.

In summary, the Department is committed to improving the quality of school meals and the health of the nation's children through a variety of approaches. There is complete recognition that success can only be achieved over time and through the efforts of the Federal government working in concert with State and local administering agencies, industry, the Congress, a variety of private organizations and the ultimate beneficiaries of the school meals programs - children and their parents.

PROPOSED REGULATORY CHANGES

Expanding and Updating Nutrition Requirements

The Department's mission continues to be to carry out the declared policy of Congress to "safeguard the health and well-being of the Nation's children." In order to meet this goal, school meals must change to reflect the scientific consensus that is articulated in the Dietary Guidelines. Therefore, the Department believes that current nutrition standards must be expanded to incorporate the Dietary Guidelines in the NSLP and SBP regulations and is proposing to amend Sections 210.10 and 220.8 to require that school meals meet the applicable recommendations of the Dietary Guidelines including the quantified standards established for fat and saturated fat. Proposed regulations would also require schools to make an effort to reduce sodium and cholesterol, increase dietary fiber and serve a variety of foods.

A more comprehensive discussion of implementation occurs later in this preamble, including the time frames that would be followed for the shift to the updated nutrition standards.

While the proposed regulations would include the basic provision that school meals meet nutrition standards over a one week menu cycle, the proposed revision would also require meals to provide a level of nutrients for specified age groups rather than meet minimum amounts of specific food items for each age group as is currently required. Sections 210.10 and 220.8, therefore, would incorporate nutrition standards for various age/grade groups based on the RDA for the following nutrients: protein, vitamin A, vitamin C, iron, and calcium as well as the energy allowances for calories. Sections 210.10 and 220.8 would also set the maximum levels of calories from fat and saturated fat at 30 percent and 10 percent of calories, respectively.

Although RDA have been established for more nutrients than indicated above, the Department has chosen to monitor only those listed because these are key nutrients that promote growth and development which are consistent with those required in the Nutrition Labeling and Education Act of 1990 (Pub. L. 101-535). The proposal would also require schools to decrease the levels of sodium and cholesterol and increase the amount of dietary fiber in school meals. The Department is not proposing specific levels for these components, since numeric targets are not established by the current Dietary Guidelines. However, progress in this area could be assessed through a variety of ways including gradual reductions in sodium, and if necessary, cholesterol levels, and increased use of vegetables, fruits and grain products.

The Department wishes to note that the Dietary Guidelines are designed for persons aged two and over. The

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Department will maintain current meal patterns for children in the zero to eleven months and one to two year age groups. For children who are two years old, schools will have the option of using the minimum calorie and nutrient requirements for school meals for children ages three-six or developing a separate set of nutrient and calorie levels for this age group. Finally, because compliance with the Dietary Guidelines will not be required until School Year 1998-1999, which begins July 1, 1998, the current meal patterns and quantities will be retained temporarily and will be redesignated §210.10a for the NSLP and §220.8a for the SBP. This proposal does not apply to infant meal patterns and meal supplements; therefore, the appropriate sections of the redesignated §210.10a and §220.8a will continue to be followed by schools serving infants and meal supplements.

New Approaches to Menu Planning: Nutrient Standard Menu Planning and Assisted Nutrient Standard Menu Planning

Schools must currently meet a meal pattern which specifies minimum amounts (by age group) of the five food items which must be offered in order to receive reimbursement for meals. An alternate approach that provides an excellent tool for improving the nutritional quality of school meals is Nutrient Standard Menu Planning (NSMP). Under NSMP, the menu is developed through the nutrient analysis of all foods offered over a school week to ensure that meals meet specific nutrition standards for key nutrients, and meet recommended levels of fat and saturated fat. Other dietary components that will be analyzed are cholesterol, sodium and dietary fiber. However, the Department recognizes that some school food authorities may not have the computer capability or the degree of access to technical support necessary to independently conduct NSMP. In these circumstances, the Department is proposing to allow school food authorities to use a modified form of NSMP entitled Assisted Nutrient Standard Menu Planning (ANSMP). Use of ANSMP would allow development and analysis of menus by other entities while still applying the essentials of NSMP. (A more complete discussion of ANSMP may be found later in this preamble.)

Under NSMP, the menu planner is expected to use effective techniques to provide menus that meet the updated nutrition standards. All menu items (i.e., any single food or combination of food) or other foods offered as part of the reimbursable meal will be counted toward meeting the nutrition standards. An exception to this is foods of minimal nutritional value, as provided for in §210.11(a)(2) or §220.12(b), which are not offered as part of a menu item in a reimbursable meal. A definition of "menu item" is proposed to be added to §210.2 and §220.2 to expand upon the current definitions of food item and food component that are used in various sections of the regulations concerned with point of service meal counts. The definition would also specify that one menu item offered must be an entree and one must be fluid milk. Further, as discussed later in this preamble, the Department is proposing that the entree must be selected as part of a reimbursable lunch.

Menu items will be analyzed based on production levels to more accurately reflect the overall nutritional composition of the menu. Menus will be planned, analyzed for nutrient content and adjusted as needed to ensure that production and selection trends are considered and nutrition standards are met. A discussion of NSMP software programs and the National Nutrient Database for Child Nutrition Programs is provided later in this preamble.

The purpose of NSMP and ANSMP is two-fold: to provide a flexible way to plan menus using certain nutrient levels, not on limited food items and amounts, and to measure how well meals are meeting nutrition standards. The Department is proposing to adopt NSMP and ANSMP by amending section 210.10(k) and (l) of the regulations to incorporate NSMP and ANSMP for the NSLP and §220.8(j) and (k) for the SBP.

While school meals will be expected to comply with the updated nutrition standards and to be planned through NSMP or ANSMP, the Department wishes to emphasize that compliance monitoring would stress technical assistance to enable the school to achieve the standards. While all meals offered during a menu cycle that fail to meet the established nutrition standards could technically be subject to an overclaim, the regulations will require State agencies to establish claims only when school food authorities *refuse*, not simply fail, to take corrective action. It is the Department's intent that every effort be made to provide nutritious meals to children rather than taking punitive actions which could undermine this initiative. Further discussion on this point may be found later in this preamble in the section on monitoring.

Nutrition Disclosure

Since information on the nutritional composition of the menu is readily available as a result of NSMP/ANSMP, the Department is proposing to amend Section 210.10(n) to encourage school food authorities to make public disclosure of the nutrients contained in their meals. Many school food authorities, recognizing the benefits of nutrition disclosure, already make this information available in the classroom, on menus or by notifying local media. These benefits include: (1) an increased awareness on the part of students and parents on the nutritional quality of school meals; (2) depending on how the information is disclosed, an enhanced ability for students and parents to make healthful choices, and; (3) increased support for the school meal programs through recognition of the improved quality of school meals.

The Department recognizes the differing needs of school food authorities, and, therefore, is not proposing to mandate nutrition disclosure. The Department believes this information should be readily available to students and parents without their having to request it. In providing this information, school food authorities would take into account local factors such as nutrition analysis capabilities and student/parent requests. For example, the school may disclose information either: (1) developed through the weekly nutrient analysis of meals; (2) based on sample meals offered each day, or; (3) provided along with food item(s) offered in the cafeteria.

The Department also wishes to emphasize that school food authorities that make this disclosure would not experience an additional administrative burden. The information being disclosed is a product of NSMP/ANSMP, and the school food authority can determine, for itself, the most efficient means of disclosure.

Although nutrition disclosure will not be required, the Department recognizes that many school food authorities are already providing this information to students and parents, and strongly encourages others to make public such information. The Department would also like to solicit comments regarding nutrition disclosure, particularly effective nutrition disclosure approaches; which nutrition information to disclose; and disclosure's value as a tool to help children choose nutritious meals.

Assisted Nutrient Standard Menu Planning

As stated above, the Department recognizes that some school food authorities may not have the resources or capacity to independently conduct NSMP. For these school food authorities, the optional method of ANSMP is an alternative approach to NSMP which is proposed in §210.10(i) for the NSLP and §220.8(k) for the SBP. School food authorities would draw on the expertise of others to provide menu cycles, adjusted for local needs and preferences. The provided menu would be analyzed to ensure that it meets the required nutrition standards. The menu analysis must be consistent with the local preferences, production records, preparation techniques and food procurement specifications. The provided menu cycles could be developed in a variety of ways--by States, consortiums of school food authorities, by consultants or even by the Federal government.

To ensure consistency with the nutrient analysis of the provided menu, the following components must be standardized: recipes, food product specifications, and preparation techniques. To accurately reflect the nutrient analysis of the menu as offered, the provided menu must be analyzed and adjusted to the quantities of food prepared and served.

In addition, the school, in conjunction with the entity providing the menu cycle, must periodically review their application of ANSMP to ensure the suitability of the selected menu cycle and the accuracy with which it is being managed. (i.e., Are the prescribed procurement specifications and preparation techniques being followed and are on-going production adjustments made to reflect student choices, thereby resulting in reanalysis of the menu?) It is also possible that standard menus, recipes and procurement specifications could be provided by the Federal government, then adjusted and reanalyzed at the State or local level as necessary. The Department is most interested in receiving comments regarding the usefulness of this approach.

Reimbursable Meals

Schools currently receive reimbursement for each meal served to children that meets the requirements of the lunch or breakfast meal pattern and, if applicable, the offer versus serve option. Basically, the required

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components (meat/meat alternate, two or more servings of a vegetable and/or fruit, bread/bread alternate and milk) must be offered and a minimum number of items must be selected. In order to determine if the meal chosen by the child is reimbursable, the cashier observes, at the point of service, if the proper number of components are taken.

Under NSMP and ANSMP, a meal will be reimbursable if at least three menu items (one must be an entree and one fluid milk) are being offered, and if at least three menu items are selected. For reimbursable lunches, one of the menu items selected must be an entree. If the school participates in offer versus serve, a meal will be reimbursable if at least three menu items are offered and two menu items are selected. Again, for reimbursable lunches, one of these two menu items must be an entree. For the purpose of point of service counts, this proposal will not change the basic concept of a reimbursable meal. Cashiers will continue to determine if the proper number of menu items was selected and, for the lunch service, that one of the menu items is an entree.

The reason for requiring that one of the selected items for lunch be an entree stems from the Department's concern that the school lunches children consume provide an adequate amount of calories and other essential nutrients. Traditionally, the most significant nutrition contribution in a school lunch comes from the entree. Therefore, this proposal is being offered as a way of assuring that children (particularly those children that participate in offer versus serve) select and, hopefully, consume the most nutritious lunch possible.

The Department recognizes that this proposal deviates from current requirements which do not stipulate that the child must select an entree for lunch. The Department would be concerned if commenters believe this restriction inhibits the flexibility that this proposed rule was designed to promote. For example, if children were inhibited from selecting lunches that were consistent with ethnic or vegetarian preferences, or if plate waste was a potential by-product. Therefore, the Department is particularly interested in receiving comments on and alternatives to the proposed requirement, including comments on whether the minimum number of menu items, both in terms of the standard meal and the offer versus serve option, is adequate even with requiring selection of an entree for lunch.

The Department is not proposing to extend the requirement that a reimbursable meal contain an entree to the SBP. This decision was made due to the nature of the breakfast meal and the possible confusion that may result by trying to define an "entree" for the breakfast program.

Point of Service

While implementation of the updated nutrition standards affects the content of meals, it will not affect basic counting methodology. Cashiers will continue to take counts at the point of service on the basis of the number of menu items selected. Consequently, food service personnel will be able to recognize individual reimbursable meals, as they will not differ substantially from current practice.

In fact, under NSMP/ANSMP, point of service identification of a reimbursable meal may be easier as cashiers would no longer need to determine which of the required components discussed above have been met by a particular food item, such as a pot pie, which contains a number of different ingredients. Under NSMP/ANSMP, a pot pie would be the entree which is simply a required one menu item for claiming purposes.

Preparation for Implementation of NSMP and ANSMP

The Department is currently sponsoring a demonstration project to evaluate the optimum use of NSMP as a way for school meals to meet the Dietary Guidelines while ensuring that students also receive needed nutrients and calories. One of the main objectives of this demonstration is to assist the Department in identifying the technical assistance necessary to most efficiently and effectively implement NSMP. This approach shifts the focus from the traditional specifics of a meal pattern to meals containing a combination of foods that meet the nutritional needs of school-age children, by age group, over a school week. Under NSMP and ANSMP, school food authorities will have more flexibility in deciding what other foods will be offered as long as the nutrition standards are met.

The Flexibility of NSMP and ANSMP

The proposed menu development and analysis system has a number of advantages over the current meal pattern, and the Department believes the proposed change to adopt NSMP and ANSMP will greatly assist local school food authorities with implementation of the proposed nutrition standards. With NSMP and ANSMP, there is greater flexibility in food selections and portion sizes because meals are not limited to specific types of foods in specified portions. Further, menus with cultural or other special preferences will be easier to design.

NSMP and ANSMP would also eliminate the need for cumbersome and often confusing food crediting decisions such as whether taco chips or just taco pieces could be considered as a bread alternate or whether yogurt can be allowed as part of a reimbursable meal. The complex Child Nutrition labeling program, which requires the Department to determine how commercial products are credited as food components under the meal pattern, would be substantially reduced in scope or perhaps even eliminated entirely. More nutrient dense items could be added to menus under NSMP, and the nutritional contributions of all foods offered to the child can be recognized. The Department also wishes to emphasize that all nutrients offered to the child are counted in the analysis, including those in foods such as yogurt and desserts which do not presently count toward a reimbursable meal. Of course, the most important aspect of both NSMP and ANSMP is that school food authorities will have an accurate, practical on-going means of determining if the nutrition standards are being met.

Fortification

This proposal does not require school food authorities to distinguish between naturally occurring nutrients and those that are added through fortification. However, the Department is committed to the principle that the preferred source of adequate nutrition is a meal comprised of a variety of conventional foods, as recommended in the Dietary Guidelines, rather than one containing formulated fortified foods.

The Department has been unable to develop a practical method for regulating or monitoring fortification. For example, it is virtually impossible to calculate the amounts of nutrients added to food items and those naturally occurring, especially for food items with numerous ingredients. Although a comparison could be made between a fortified item and a similar item that had no added nutrients, there may not be an identical product on which to base the comparison.

The Department believes the standards as outlined under NSMP that meals contain adequate calories and that at least three menu items be offered, as well as the higher expense of engineered foods, will inhibit excessive reliance on highly fortified foods.
The Department welcomes commenters to address the use of fortified foods in school meal programs, particularly whether there are practical ways to control over-use of fortification, the degree to which this should be a concern, and potential impacts on the character of school meals.

It should be noted that if NSMP/ANSMP is implemented on a nationwide basis, the current regulatory requirements on the use of alternate foods would no longer be necessary. During the interim and where the meal patterns are still in use, these regulations would remain in force.

Operational Aspects of NSMP and ANSMP

National Nutrient Database for the Child Nutrition Programs

In order to conduct nutrient analysis, data on the nutrients contained in a wide range of foods must be available. To meet this need, the Department has developed a centralized National Nutrient Database to allow for accurate nutrient analysis of the menus and recipes used in the NSLP and SBP. The National Nutrient Database contains information on the nutritional composition of: 1) commodities supplied through the Department; 2) standard reference food items which are used in the SBP and NSLP; 3) Quantity Recipes for School Food Service developed by the Department, and; 4) convenience, processed and pre-prepared foods from food manufacturers. The Department is working closely with the food industry to obtain nutrient analysis of many common food products used by schools for inclusion in the database.

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The implementation of NSMP, as opposed to ANSMP, is dependent upon the school or school food authority's ability to analyze the nutrient content of foods. Therefore, the Department is proposing to require that the National Nutrient Database be incorporated into all school food service software systems used for menu and recipe analysis under NSMP. Under ANSMP, the database would be used by the entity providing assistance with nutrition analysis. The Department is making the database available free of charge to participating school food authorities and to computer software companies to develop school food service software programs. The database will be regularly maintained and updated to ensure that the information is as accurate and current as possible. School food authorities would be expected to incorporate these updates into their own software as they are made available. It should be noted that a preliminary version of the Department's database is now available. Information on how to obtain it can be secured from the Department's Child Nutrition Database Hotline at (301) 436-3536.

School Food Service Software Systems

The computer software industry has many nutrient analysis software programs on the market. Few of these, however, are specific to the school programs and do not contain the types of foods, descriptions, weights and measurements used in these programs. Moreover, the results of nutrient analysis can vary dramatically depending on which software package is being used. Nutrient analysis must be based on standardized specifications to ensure accuracy. Therefore, the Department has also developed software specifications for NSMP. The overall objective of any software system used for this purpose is to adapt advanced data automation technology to simplify completion of the mathematical and analytical tasks associated with NSMP. The software specifications include menu planning, nutritional analysis of menus and recipes, and data management reports presented in a comprehensive, simplified and user-friendly manner. To ensure that school food authorities are using a software package which meets the Department's specifications, school food authorities will be required to use a software system that has been evaluated by FNS and, as submitted, been determined to meet the minimum requirements established by FNS. However, such review does not constitute endorsement by FNS or USDA. This proposed requirement is found in §210.10(k)(1)(ii) for the NSLP and §220.8(j)(1)(ii) for the SBP.

Use of Weighted Averages

Some food items are more popular than others and, thus, will be selected by school children more frequently. To accurately perform an assessment of the nutritional composition of reimbursable meals offered, nutrient analysis must be based on production levels of foods offered, as production levels are an indication of foods actually selected. For example, a menu item which is chosen frequently (and therefore more portions are prepared) will contribute more nutrients to the meal than a menu item chosen less frequently.

The calculation method for computing a weighted nutritional analysis will require the school food authority to enter the following information into the selected software program the menu item; portion size; projected servings of each menu item; and the projected number of reimbursable meals each day for the school week. It should be noted that the software specifications discussed above are designed to easily perform weighting calculations. This provision is proposed in §210.10(k)(2) and §210.10(k)(4) for the NSLP and §220.8(j)(2) and (j)(4).

Definition of School Week

A new definition would be added for "school week" to indicate that, for NSMP and ANSMP, a minimum of three days and a maximum of seven days must be included. This is because the nutrition analysis is proposed to be an average of the reimbursable meals served over the course of a week. To ensure common understanding of the terms NSMP and ANSMP, a proposed definition would be added to §210.2 and §220.2 explaining the term "school week."

Transition to NSMP and ANSMP

The Department recognizes that school food authorities will need technical assistance in order to implement these changes efficiently. The Department is conducting NSMP demonstration projects in several school food authorities, and the ongoing experiences gained from these will be shared as part of the overall assistance to school food authorities to phase in NSMP and ANSMP.

The Department also plans to provide extensive training and technical assistance to State and local agencies as they prepare to implement NSMP and ANSMP. As noted earlier in this preamble, the Department has requested specific funding in the Administration's Fiscal Year 1995 budget for this purpose as well as to fund other technical assistance and nutrition education activities. Other projects to support the move towards updated nutrition standards are already being undertaken within existing resources, including modification of more than fifty recipes to include more fruits, vegetables, and grain products and to decrease fat levels, and collaboration with the National Food Service Management Institute. Finally, the Department is committed to working with State agencies to target Nutrition Education and Training (NET) resources more intensely toward implementation of the Dietary Guidelines.

This proposed regulation would require school food authorities to adopt the updated nutrition standards and NSMP or ANSMP no later than July 1, 1998, the start of School Year 1998-99. However, school food authorities are encouraged to begin working towards full implementation of the updated nutrition standards as soon as practicable after publication of a final rule or to even use NSMP, ANSMP, or nutrient-based menu analysis in conjunction with the current meal patterns prior to the effective date.

State agencies would need to determine when school food authorities are ready to begin NSMP or ANSMP and would, of course, provide training and technical assistance to help school food authorities whenever they begin implementing this procedure. In determining when to begin NSMP in a particular school or school food authority, States should evaluate their capabilities both in terms of computer technology and availability of other technical resources. States will also need to evaluate implementation on an on-going basis to determine if any adjustments are needed and to provide support when start-up difficulties occur. The Department is not establishing a specific procedure for determining the readiness of school food authorities to phase in NSMP or ANSMP. Rather, the Department believes State agencies are in the best position to determine if a school food authority is ready to begin the shift to NSMP or ANSMP and will be able to respond to the wide range of situations that may occur and to concentrate on achieving the goal. This approach frees State agencies from assuring that a particular process is followed and allows them the flexibility to invest their time and efforts as they judge best.

Monitoring Compliance with Updated Nutrition Standards

The Department also proposes to modify the monitoring requirements to include compliance with the updated nutrition standards. Currently, states monitor compliance with meal pattern components and quantities on a per-meal basis. On the day of a review, the lunch service is observed to ensure that all required food items are offered and, if applicable, that children accept the minimum number of components stipulated both under the standard meal service and the offer versus serve option. Meal services that offer fewer than the five required food items are disallowed for Federal reimbursement, as are meals for which the child has not taken the minimum number of items under the offer versus serve option. States also examine menus and production records for the review period to ensure that all components were available, and that sufficient quantities were offered. Thus, a direct correlation exists between the meal service offered and the meals taken on a given day and the allowable reimbursement for those meals.

Under NSMP and ANSMP, Federal reimbursement will continue to be predicated upon similar factors. As noted earlier in this preamble, under NSMP and ANSMP, schools will continue to offer a minimum number of menu items, and children must accept a minimum number of items. Meals which do not meet these requirements will not be eligible for reimbursement. However, to allow school food authorities adequate time to move towards full implementation of NSMP or ANSMP, school food authorities that implement prior to School Year 1998-1999 will be exempt from Coordinated Review Effort (CRE) Performance Standard 2 on reimbursable meals containing the required food items/components in §210.18(g)(2) if they are scheduled for an administrative review prior to School Year 1998-1999.

Under this proposal, in addition to meeting the minimums for the number of menu items, the reimbursable meals offered over a school week must also collectively meet the updated nutrition standards established. To

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determine compliance with the nutrition standards. State agencies will need to closely examine school food authority's nutrient analysis in the course of a review. While this is a much more precise examination than in past practice, it continues the concept of ensuring that the entire food service, not just an individual meal, conforms to program requirements. State agencies must also observe the meal service to determine if meals claimed for reimbursement contain the appropriate number and type of menu items. The Department is proposing to amend §210.19, Additional Responsibilities, to outline review requirements for nutrition standards. The Department is proposing to add the compliance requirements for the nutrition standards to this section rather than to §210.18, Administrative Reviews, in order to allow for operational experience and corrective action prior to any imposition of fiscal action.

State Agency Responsibilities

The following summarizes the State agency's responsibilities under the Department's proposal for general program management, including taking fiscal action against school food authorities that consistently refuse to meet program requirements. While State agencies would probably combine a determination of how the nutrition standards and NSMP/ANSMP are being met with the cyclical administrative review, the Department is also proposing to provide State agencies with flexibility to conduct these important evaluations at other times such as during technical assistance visits or even as a separate, special assessment. However, assessments of compliance with the nutrition standards must be conducted no less frequently than administrative reviews.

As proposed by the Department, State agencies would assess the nutrient analyses for the last completed school week. The purpose would be to determine if the school food authority is applying the correct methodology and is properly conducting the NSMP or ANSMP based on the actual menu cycle including any substitutions. The State agency would also review the menus and production records to determine if they correspond to the information used to conduct NSMP or ANSMP.

Corrective Action

If it is indicated that the school food authority is not conducting NSMP accurately or properly applying ANSMP, if the school week's meals, as offered, do not comply with nutrition standards, or if the meal observation identified a significant number of meals that did not meet the definition of a reimbursable meal, the school food authority would be required to take appropriate corrective action to achieve compliance. However, at this time, no claim would be established if the failure to comply was not intentional. (Intentional violations are discussed later in this preamble.)

Pursuant to section 16(b) of the CNA, 42 U.S.C. 1785(b), the Secretary of Agriculture is given authority to settle, adjust or waive any claims under both the NSLA or the CNA if to do so would serve the purposes of either Act. The Department recognizes that the transition to NSMP and ANSMP will not in every instance be completed without problems and unforeseen circumstances to be surmounted. The Department expects State agencies to act quickly to rectify any problems found and to monitor any corrective action undertaken. In the interests of facilitating the transition to NSMP/ANSMP, the Secretary is proposing to exercise his authority to settle, adjust and waive claims by not requiring State agencies to disallow payment or collect overpayments resulting from meals which do not meet the nutrition standards of the regulations as long as State agencies are satisfied that such deviations from the nutrition standards were not intentional and that the school food authority is working towards successful completion of a acceptable corrective action plan in a timely manner.

The Department stresses that this proposal does not establish specific steps or time frames for corrective action. State agencies, as a result of their evaluation of the school food authority, are in the best position to establish corrective action goals and time frames, working in partnership with local school food authorities. The Department believes that State agencies and school food authorities need flexibility in developing a corrective action plan and is, therefore, providing such flexibility in this proposal. Further, in recognition of the fact that timely and effective corrective action is in the best interest of all, the Department intends to incorporate review of this area into its management evaluation activities at the State level.

The Department would like to once again emphasize that, under this proposal, compliance with the updated nutrition standards is of paramount importance. First, corrective action will be required if a meal service does not meet the nutrition standards. The State agency cannot overlook these shortcomings and must ensure that the meal service is improved as stipulated in the corrective action plan. Secondly, the State will be required to monitor the school's corrective action efforts. In most cases, monitoring would include reviewing production records, menus and computer analyses submitted by the school food authority and providing any support indicated by such a review. When a school food authority refuses to make a good faith effort to comply with the terms of the corrective action plan, the State agency would be required to establish a claim.

Exception to Claim Establishment

Under this proposal, State agencies would require corrective action for meals not meeting the nutrition standards, but would receive reimbursement for those meals. This procedure represents a significant means of easing the transition to and operation of the updated nutrition standards. Section 8 of the NSLA, 42 U.S.C. 1757, and section 4(b)(1)(D) of the CNA, 42 U.S.C. 1773 (b)(1)(D), clearly provide that reimbursement for meals served is available only for those meals that meet Program requirements. Further, section 12(g) of the NSLA, 42 U.S.C. 1760(g), continues to provide for Federal criminal penalties for certain intentional Program violations under either the NSLA or the CNA. The Department is concerned that the corrective action provision not be construed by State agencies or school food authorities as an invitation to relax efforts to comply with the nutritional or administrative review requirements of §§210.10, 210.10a, 210.18 and 210.19. The institution of corrective action would not be a sufficient remedy by itself in an instance in which a State agency determined that school officials had intentionally failed to meet the nutrition standards required by NSMP. In these situations, while the State agency would initiate corrective action, it must also disallow claims for reimbursement for the substandard meals and, in very severe cases, consider referring the matter to the Department for criminal prosecution.

While continued refusal to take corrective action could result in loss of Federal funding, this provision is not intended to be punitive when school food authorities are acting in good faith to comply with the nutrition standards. The Department is far more concerned about correcting these situations than it is with pursuing fiscal action. The Department's foremost goal is to ensure that children are provided with the most nutritious meals possible. Consequently, the emphasis in this process is on corrective action and technical assistance. If school food authorities implement appropriate corrective action and make satisfactory progress toward compliance, no fiscal action would be required.

Streamlined Administration

The Department is also proposing to streamline program administration by allowing State agencies and school food authorities flexibility in three important areas. The first provision would extend the Coordinated Review Effort (CRE) review cycle from 4 to 5 years. The Department's experience with CRE indicates that a one-year extension in the cycle would not adversely affect accountability, but it would result in a 20 percent decrease in the number of reviews currently conducted in any given year. While the exact reduction in burden would vary from State to State, the Department expects this decrease would provide the States with additional flexibility to enable them to continue to improve school meals. Section §210.18(c) is proposed to be amended to include this change.

The second provision eliminates the regulatory requirement for a specific type of edit check on daily meal counts contained in §210.8(a)(2) for schools where the most recent CRE review did not identify meal counting and claiming problems. Currently, the edit check provision requires that each school food authority compare each school's daily meal count with data such as the number of children eligible for free, reduced price or paid meals multiplied by an attendance factor. This check is intended to ensure that monthly claims for reimbursement are based on reasonable and accurate counts of meals offered on any day of operation to eligible children.

The Department believes, however, that school food authorities that have demonstrated, through the CRE review, the accuracy of their meal counts and claims should be provided an optional approach to specific edit checks. This proposal would establish a system whereby these school food authorities could develop and implement their own systems of internal controls designed to ensure the accuracy of claims for reimbursement. This system would then be submitted to the State agency for review. If the State agency's review determined

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that the proposed method constituted an accurate internal control, no further action would be required, and the school food authority's own proposed internal controls would remain in effect. However, if the State agency concluded that the suggested system of internal controls was inadequate, the school food authority would be required to modify its procedures accordingly. In addition, if during the course of a CRE review or other oversight activity of the school food authority, it is determined that the internal controls were ineffective, the specific, regulatory edit check would replace their system until a future regularly scheduled CRE review indicates there are no meal count problems.

This proposal would virtually eliminate the requirement for a specific edit check for school food authorities with accurate meal counts and claims measured by the CRE review and replace it with a more flexible procedure to allow these school food authorities to design and implement a system that is streamlined for their particular circumstances. However, this proposal also maintains the necessary specificity of an edit check for school food authorities found to have meal counting and claiming violations. Further it provides for State agency oversight of accountability procedures and a ready mechanism, if needed, to substitute a Federally-defined procedure to ensure accurate claims for reimbursement. The Department believes that program integrity must be maintained by requiring specific criteria when review results indicate problems or failure of the school food authority's alternative system. §210.8(a)(2) and (a)(3) would be modified to reflect these proposed changes.

The Department is especially interested in receiving comments on this provision. Commenters should address the flexibility this proposed provision allows well-managed school food authorities and any implementation issues this poses. In addition, the Department would be interested in receiving alternative proposals that would accomplish the desired balance between local flexibility and sound accountability.

The third area that the Department is addressing to reduce paperwork at the school food authority level is the requirement in §210.15(b)(4) that distinct records be maintained to document the nonprofit status of the school food service. These records are the accounts which any enterprise needs to maintain in the normal course of conducting business (i.e., receipts, costs, etc.). Therefore, since these kinds of records are a necessary part of a school food authority's own accountability system and, in many cases, are required by State laws, the Department does not consider it necessary for the program regulations to mandate this recordkeeping requirement. It is important to emphasize that the school food authority would still have to be operated on a nonprofit basis. This proposal is only amending the requirements for documentation of nonprofitability. This proposal would amend §210.14(c) and §210.15(b) to include this change. In the event that a question or dispute arises in connection with whether a nonprofit school food service has been properly operated, the burden of proof still be upon the school food authority to demonstrate that the school food service is being operated on a nonprofit basis.

Length of Meal Periods

As noted above, many commenters expressed concern that children be given sufficient time in which to eat, particularly if larger portion sizes are to be served. The Department also recognizes the need to balance the time for academics with the time to receive and eat school meals, especially lunch. Although the Department has no authority in this area, school food service directors are strongly encouraged to work with other school officials to ensure that adequate meal service times and facilities are provided. Likewise, the Department will continue to work with DOEd to solicit support in the education community to ensure that educators and school administrators understand the importance of students having adequate time to eat.

To indicate its concern in this area, the Department is proposing, in §210.10(l), to recommend that school food authorities make every effort to provide adequate meal service times and periods to ensure that students can effectively participate in the school lunch program.

Changes to the School Breakfast Program Nutritional Requirements

In order to facilitate uniform implementation, the Department is also proposing to amend the nutritional requirements of the SBP to parallel the changes made to the nutritional requirements of the NSLP. The current Section §220.8 would be redesignated as §220.8a to retain the requirements that would be in effect until implementation of the updated nutrition standards on July 1, 1998, while §220.8 would contain provisions on nutrition standards, NSMP and ANSMP for the SBP.

The major differences for the SBP are that fewer calories are required and one-fourth of the RDA are to be met. A new guide would be incorporated into §220.8 to indicate the nutrition standards required for the SBP. In addition, separate analyses for SBP and NSLP would be required to meet the different nutrition standards for each program. As previously discussed, a reimbursable meal under the SBP will not be required to contain an entree.

Effective Dates

As discussed earlier, this proposal requires school food authorities to serve meals through the use of NSMP or ANSMP and be in compliance with updated nutrition standards by School Year 1998-1999 which begins on July 1, 1998. The Department believes this schedule provides sufficient time to enable States to develop appropriate technical assistance and guidance materials, to allow local food service staff to become familiar with the updated requirements and to make appropriate changes in meals. There would be no mandate for school food authorities to implement the required changes prior to July 1, 1998. In the interest of promoting children's long-term health through diet, the Department encourages State agencies to work with school food authorities to implement as soon as possible and, in fact, as discussed earlier, expects State agencies to approve plans for early implementation. The Department considers that early implementation will also provide both State agencies and school food authorities with valuable experience before mandatory implementation.

To encourage early implementation, compliance activities described above will not take effect before School Year 1998-1999. In the interim period, reviews and oversight activities that focus on the food service portion of program operations will provide excellent opportunities for technical assistance and for State agencies to assess preparation for full implementation. All other changes in this rule, including the paperwork reductions and streamlined administration methods, could be implemented 30 days after final publication of the final rule.

List of Subjects
7 CFR Part 210

Children, Commodity School Program, Food assistance programs, Grants programs-social programs, National School Lunch Program, Nutrition, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 220

Children, Food assistance programs, Grant programs-social programs, Nutrition, Reporting and recordkeeping requirements, School Breakfast Program.

PART 210 - NATIONAL SCHOOL LUNCH PROGRAM

1. The authority citation for 7 CFR Part 210 is revised to read as follows:

Authority: 42 U.S.C. 1751-1760, 1779.

2. In 210.2:
    a. the definition of "Food component" is amended by adding the words "under §210.10a" at the end of the sentence;
    b. the definition of "Food item" is amended by adding the words "under §210.10a" at the end of the sentence;
    c. the definition of "Lunch" is revised;
    d. a new definition of "Menu item" is added;
    e. a new definition of "Nutrient Standard Menu Planning/Assisted Nutrient Standard Menu Planning" is added;
    f. the definition of "Reimbursement" is amended by adding the words "or §210.10a, whichever is applicable," after "§210.10"; and
    g. a new definition of "School Week" is added.

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The revision and additions read as follows:

§210.2 Definitions.

* * * * *

Lunch means a meal which meets the nutrient and calorie levels designated in §210.10 or the school lunch pattern for specified age/grade groups as designated in §210.10a.

Menu item means, under Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning, any single food or combination of foods. All menu items or foods offered as part of the reimbursable meal may be considered as contributing towards meeting the nutrition standards provided in §210.10(a), except for those foods that are considered as foods of minimal nutritional value as provided for in §210.11(a)(2) which are not offered as part of a menu item in a reimbursable meal. For the purposes of a reimbursable lunch, a minimum of three menu items must be offered, one of which must be an entree (a combination of foods or a single food item that is offered as the main course) and one must be fluid milk. For the purposes of a reimbursable lunch, one of the selected menu items must be an entree. Under the offer versus serve option, three menu items must be offered and an entree and one other menu item must be selected.

* * * * *

Nutrient Standard Menu Planning/Assisted Nutrient Standard Menu Planning means a way to develop meals which is based on the analysis of nutrients which would require school lunches, when averaged over a school week, to meet specific levels for a set of key nutrients and calories rather than a specific set of food categories. Analysis of the menu items and foods shall be based on averages that will be weighted by production quantities as offered to the students. Such analysis is normally done by a school or a school food authority. However, for the purposes of Assisted Nutrient Standard Menu Planning, menu planning and analysis are completed by other entities and shall incorporate the production quantities needed to accommodate the specific service requirements of a particular school or school food authority.

* * * * *

School week means the period of time used as the basis for determining nutrient levels of the menu and for conducting Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning for lunches. The period shall be a minimum of three days and a maximum of seven days. Weeks in which school lunches are offered less than three times shall be combined with either the previous or the coming week.

* * * * *

3. In Section 210.4, paragraph (b)(3) introductory text is amended by removing the words "§210.10(j)(1) of this part" and adding in their place the words "§210.10a(j)(1)."

4. In Section 210.7:

a. paragraph (c)(1)(v) is amended by removing the reference to "§210.10(b) of this part" and adding in its place the words "§210.10(a) or §210.10a(b), whichever is applicable,"; and
b. paragraph (d) is amended by removing the reference to "§210.10(j)(1) of this part" and adding in its place the reference "§210.10a(j)(1)."

5. In Section 210.8:

a. the third sentence of paragraph (a)(2) is removed and new paragraphs (a)(2)(i) and (a)(2)(ii) are added at the end;
b. Paragraph (a)(3) is revised;
c. the first sentence of paragraph (a)(4) is amended by removing the words "review process described in paragraph (a)(2) and (a)(3) of this section" and adding in their place the words "the internal controls used by schools in accordance with paragraph (a)(2)(i) or the claims review process used by schools in accordance with paragraphs (a)(2)(ii) and (a)(3)"; and
d. the first sentence of paragraph (b)(2)(i) is amended by removing the reference to "paragraph (a)(2)" and

adding int its place a reference to "paragraph (a)(3)" and by adding at the end of the sentence the words "or the internal controls used by schools in accordance with paragraph (a)(2)(i)."

The revision and additions reads as follows:

210.8 Claims for reimbursement.

(a) Internal controls. * * *

(2) School food authority claims review process.

* * *

(i) Any school food authority that was found by its most recent administrative review conducted in accordance with §210.18, to have no meal counting and claiming violations may:

(A) develop internal control procedures that ensure accurate meal counts. The school food authority shall submit any internal controls developed in accordance with this paragraph to the State agency for approval and, in the absence of specific disapproval from the State agency, shall implement such internal controls. The State agency shall establish procedures to promptly notify school food authorities of any modifications needed to their proposed internal controls or of denial of unacceptable submissions. If the State agency disapproves the proposed internal controls of any school food authority, it reserves the right to require the school food authority to comply with the provisions of paragraph (a)(3) of this section; or

(B) comply with the requirements of paragraph (a) (3) of this section.

(ii) Any school food authority that was identified in the most recent administrative review conducted in accordance with §210.18, or in any other oversight activity, as having meal counting and claiming violations shall comply with the requirements in paragraph (a)(3) of this section.

(3) Edit checks.

(i) The following procedure shall be followed for school food authorities identified in paragraph (a)(2)(ii) of this section, by other school food authorities at State agency option, or, at their own option, by school food authorities identified in paragraph (a)(2)(i): the school food authority shall compare each school's daily counts of free, reduced price and paid lunches against the product of the number of children in that school currently eligible for free, reduced price and paid lunches, respectively, times an attendance factor.

(ii) School food authorities that are identified in subsequent administrative reviews conducted in accordance with §210.18 as not having meal counting and claiming violations and that are correctly complying with the procedures in paragraph (a)(3)(i) have the option of developing internal controls in accordance with paragraph (a)(2)(i) of this section.

* * * * *

6. In §210.9:

a. paragraph (b)(5) is amended by adding the words "or §210.10a, whichever is applicable" at the end of the paragraph;

b. paragraph (c) introductory text is amended by removing the reference to "§210.10(j)(1) of this part" and adding in its place the reference "§210.10a(j)(1)"; and

c. paragraph (c)(1) is amended by removing the reference to "§210.10" and adding in its place the reference "§210.10a."

7. Section 210.10 is redesignated as §210.10a.

8. A new section 210.10 is added to read as follows:

210.10 Nutrition standards for lunches and menu planning systems.

(a) Nutrition standards for reimbursable lunches. School food authorities shall ensure that participating schools provide nutritious and well-balanced meals to children based on the nutrition standards provided in this section or, if applicable, for very young children and meal supplements, the appropriate provisions of §210.10a. For the purposes of this section, the nutrition standards are:

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(1) provision of one-third of the Recommended Dietary Allowances (RDA) of protein, calcium, iron, vitamin A and vitamin C to the applicable age groups in accordance with the Minimum Nutrient Levels for School Lunches in paragraph (e)(4)(i) of this section;

(2) provision of the lunchtime energy allowances for children based on the four age groups provided for in the Minimum Nutrient Levels for School Lunches in paragraph (e)(4) of this section;

(3) the applicable 1990 Dietary Guidelines for Americans which are:

(i) eat a variety of foods;

(ii) limit total fat to 30 percent of calories;

(iii) limit saturated fat to less than 10 percent of calories;

(iv) choose a diet low in cholesterol

(v) choose a diet with plenty of vegetables, fruits, and grain products; and

(vi) use salt and sodium in moderation.

(4) the following measures of compliance with the 1990 Dietary Guidelines for Americans:

(i) a limit on the percent of calories from total fat to 30 percent based on the actual number of calories offered;

(ii) a limit on the percent of calories from saturated fat to less than 10 percent based on the actual number of calories offered;

(iii) a reduction of the levels of sodium and cholesterol; and

(iv) an increase in the level of dietary fiber.

(b) General requirements for school lunches.

(1) In order to qualify for reimbursement, lunches, as offered by participating schools, shall, at a minimum, meet the nutrition standards provided in paragraph (a) of this section when averaged over each school week. Except as otherwise provided herein, school food authorities shall ensure that sufficient quantities menu items and foods are planned and produced to meet, at a minimum, the nutrition standards in paragraph (a) of this section.

(2) School food authorities shall ensure that each lunch is priced as a unit and that lunches are planned and produced on the basis of participation trends, with the objective of providing one reimbursable lunch per child per day. Any excess lunches that are produced may be offered, but shall not be claimed for general or special cash assistance provided under §210.4.

(c) Requirements for meals served to infants and very young children (birth to 24 months of age). Meals for infants from birth to 2 years of age shall meet the requirements in §210.10a(a), (c), (d) and (h).

(d) Specific nutrient levels for children age 2. Schools with children age 2 who participate in the program shall ensure that the nutrition standards in paragraph (a) of this section are met except that, such schools have the option of either using the RDA and calorie levels for children ages 3-6 in the table, Minimum Nutrient Levels for School Lunches, in paragraph (e)(4)(i) of this section, or developing seperate nutrient levels for this age group. The methodology for determining such levels will be available in menu planning guidance material provided by FNS.

(e) Requirements for meals for children ages 3-17.

(1) General. In order to receive reimbursement, school food authorities shall ensure that participating schools offer lunches which meet the nutrition standards provided in paragraph (a) of this section to children age three and over.

(2) Nutrient levels. The nutrients of reimbursable lunches shall, as offered and as averaged over each school week, meet the requirements in the table, Minimum Nutrient Levels for School Lunches, in paragraph (e)(4)(i) of this section for children of the appropriate age group.

(3) Records. Production, menu and nutritional analysis records shall be maintained by schools to demonstrate that lunches meet, when averaged over each school week, the nutrition standards provided in paragraph (a) of this section and the nutrient levels for children of each age group in the table Minimum Nutrient Levels for School Lunches in paragraph (e)(4)(i) of this section.

(4) Specific nutrient levels for children ages 3-17.

(i) Schools that are able to offer meals to children based on nutrient levels reflecting one of the four age levels in the table below should do so. Schools that cannot offer meals to children on the basis of the age levels in the table below shall, under Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu

Planning, adjust the established levels following guidance provided by FNS, or, if only one age is outside the established level, use the levels provided in the table for the majority of children. For example, a school has grades one through five, but if some first graders are six, the levels for Group II would be used as the majority of students are in this age group. Schools shall ensure that lunches are offered with the objective of providing the per lunch minimums for each age level as specified in the following table:

MINIMUM NUTRIENT LEVELS FOR SCHOOL LUNCHES

NUTRIENTS AND ENERGY ALLOWANCES	GROUP I AGES 3-6 YEARS	GROUP II AGES 7-10 YEARS	GROUP III AGES 11-13 YEARS	GROUP IV AGES 14-17 YEARS
ENERGY ALLOWANCE/CALORIES	558	667	783	846
TOTAL FAT (as a percent of actual total food energy)	Less than or equal to 30% of actual Calories offered	Less than or equal to 30% of actual Calories offered	Less than or equal to 30% of actual Calories offered	Less than or equal to 30% of actual Calories offered
TOTAL SATURATED FAT (as a percent of actual total food energy)	Less than 10% of actual Calories offered	Less than 10% of actual Calories offered	Less than 10% of actual Calories offered	Less than 10% of actual Calories offered
RDA FOR PROTEIN (g)	7.3	9.3	15.0	16.7
RDA FOR CALCIUM (mg)	267	267	400	400
RDA FOR IRON (mg)	3.3	3.3	4.5	4.5
RDA FOR VITAMIN A (RE)	158	233	300	300
RDA FOR VITAMIN C (mg)	14.6	15.0	16.7	19.2

(iii) A reimbursable lunch shall include a minimum of three menu items as defined in §210.2; one menu item shall be an entree and one shall be fluid milk as a beverage. An entree may be a combination of foods or a single food item that is offered as the main course. All menu items or foods offered as part of the reimbursable meal may be considered as contributing towards meeting the nutrition standards in paragraph (a) of this section, except for those foods that are considered foods of minimal nutritional value as provided for in §210.11(a)(2) which are not offered as part of a menu item in a reimbursable meal. Reimbursable lunches, as offered, shall meet the established nutrition standards in paragraph (a) of this section when averaged over a school week.

(f) Milk requirement for children ages 2-17. Schools shall comply with the requirements for the offering milk as provided for in §210.10a(d)(1).

(g) Offer versus serve. Each participating school shall offer its students at least three menu items as required by paragraph (e)(4)(iii) of this section. Under offer versus serve, senior high students are required to take at least two of the three menu items offered; one menu item selected must be an entree. At the discretion of the school food authority, students below the senior high level may also participate in offer versus serve. The price of a reimbursable lunch shall not be affected if a student declines a menu item or accepts smaller portions. State educational agencies shall define "senior high."

(h) Choice. To provide variety and to encourage consumption and participation, schools should, whenever possible, offer a selection of menu items, foods and types of milk from which children may make choices.

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When a school offers a selection of more than one type of lunch or when it offers a variety of menu items, foods and milk for choice as a reimbursable lunch, the school shall offer all children the same selection regardless of whether the children are eligible for free or reduced price lunches or pay the school food authority's designated full price. The school may establish different unit prices for each type of lunch offered provided that the benefits made available to children eligible for free or reduced price lunches are not affected.

(i) Lunch period. At or about mid-day schools shall offer lunches which meet the requirements of this section during a period designated as the lunch period by the school food authority. Such lunch periods shall occur between 10:00 a.m. and 2:00 p.m., unless otherwise exempted by FNS. With state approval, schools that serve children 1-5 years old are encouraged to divide the service of the meal into two distinct service periods. Such schools may divide the quantities and/or menu items or foods offered between these service periods in any combination that they choose. Schools are also encouraged to provide an adequate number of lunch periods of sufficient length to ensure that all students have an opportunity to be served and have ample time to consume their meals.

(j) Exceptions. Lunches claimed for reimbursement shall meet the school lunch requirements specified in this section. However, lunches offered which accommodate the exceptions and variations authorized under §210.10a(i) are also reimbursable.

(k) Nutrient Standard Menu Planning for children age 2-17. In order to assure that school lunches meet the nutrition standards provided in paragraph (a) of this section, nutrient analysis shall be conducted on all menu items or foods offered as part of the reimbursable meal, except for those foods that are considered as foods of minimal nutritional value as provided for in §210.11(a)(2) which are not offered as part of a menu item in a reimbursable meal. Such analysis shall be over the course of each school week. The school food authority shall either independently conduct Nutrient Standard Menu Planning or shall request that the State agency allow Assisted Nutrient Standard Menu Planning.

(1) The National Nutrient Database and software specifications.

(i) Nutrient analysis shall be based on information provided in the National Nutrient Database for Child Nutrition Programs. This database shall be incorporated into software used to conduct nutrient analysis. Upon request, FNS will provide information about the database to software companies that wish to develop school food service software systems.

(ii) Any software used to conduct nutrient analysis shall be evaluated by FNS and, as submitted, been determined to meet the minimum requirements established by FNS. However, such review does not constitute endorsement by FNS or USDA. Such software shall provide the capability to perform all functions required after the basic data has been entered including calculation of weighted averages as required by (k)(2) of this section.

(2) Determination of weighted averages.

(i) Menu items and foods offered as part of a reimbursable meal shall be analyzed based on portion sizes and projected serving amounts and shall be weighted based on their proportionate contribution to the meals. Therefore, menu items or foods more frequently selected will contribute more nutrients than menu items or foods which are less frequently selected. Such weighting shall be done in accordance with guidance issued by FNS as well as that provided by the software used.

(ii) An analysis of all menu items and foods offered in the menu over each school week shall be computed for calories and for each of the following nutrients: protein; vitamin A; vitamin C; iron; calcium; total fat; saturated fat; and sodium. The analysis shall also include the dietary components of cholesterol and dietary fiber.

(3) Comparing average daily levels. Once the appropriate procedures of paragraph (k)(2) of this section have been completed, the results shall be compared to the appropriate age group level for each nutrient and for calories in the table, Minimum Nutrient Levels for School Lunch, in paragraph (e)(4)(i) of this section. In addition, comparisons shall be made to the nutrition standards provided in paragraph (a) of this section in order to determine the degree of conformity.

(4) Adjustments based on students' selections.

The results obtained under paragraph (k)(2) of this section shall be used to adjust future menu cycles to accurately reflect production and student selections. Menus may require further analysis and comparison, depending on the results obtained in paragraph (k)(3) of this section when production and selection patterns change. The school food authority may need to consider modifications to the menu items and foods offered

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based on student selections as well as modifications to recipes and other specifications to ensure that the nutrition standards provided in paragraph (a) of this section are met.

(5) Standardized recipes. Under Nutrient Standard Menu Planning, standardized recipes shall be developed and followed. A standardized recipe is one that was tested to provide an established yield and quantity through the use of ingredients that remain constant in both measurement and preparation methods. USDA/FNS standardized recipes are included in the National Nutrient Database for the Child Nutrition Programs. In addition, local standardized recipes used by school food authorities shall be analyzed for their calories, nutrients and dietary components and added to the local database by that school food authority in accordance with paragraph (k)(1)(ii) of this section.

(6) Processed foods. Unless already included in the National Nutrient Database, the calorie amounts, nutrients and dietary components, in accordance with paragraph (k)(3) of this section, of purchased processed foods and menu items used by the school food authority shall be obtained by the school food authority or State agency and incorporated into the database at the local level in accordance with FNS guidance.

(7) Substitutions. If the need for serving a substitute food(s) or menu item(s) occurs at least two weeks prior to serving the planned menu, the revised menu shall be reanalyzed based on the changes. If the need for serving a substitute food(s) or menu item(s) occurs two weeks or less prior to serving the planned menu, no reanalysis is required. However, to the extent possible, substitutions should be made using similar foods.

(l) Assisted Nutrient Standard Menu Planning.

(1) For school food authorities without the capability to conduct Nutrient Standard Menu Planning, as provided in paragraph (k) of this section, menu cycles developed by other sources may be used. Such sources may include but are not limited to the State agency, other school food authorities, consultants, or food service management companies.

(2) Assisted Nutrient Standard Menu Planning shall establish menu cycles that have been developed in accordance with paragraphs (k)(1) through (k)(6) of this section as well as local food preferences and local food service operations. These menu cycles shall incorporate the nutrition standards in paragraph (a) and the Minimum Nutrient Levels for School Lunches in paragraph (e)(4)(ii) of this section. In addition to the menu cycle, recipes, food product specifications and preparation techniques shall also be developed and provided by the entity furnishing Assisted Nutrient Standard Menu Planning to ensure that the menu items and foods offered conform to the nutrient analysis determinations of the menu cycle.

(3) If a school food authority requests Assisted Nutrient Standard Menu Planning, the State agency shall determine if it is warranted. At the inception of any approved use of Assisted Nutrient Standard Menu Planning, the State agency shall approve the initial menu cycle, recipes, and other specifications to determine that all required elements for correct nutrient analysis are incorporated. The State agency shall also, upon request, provide assistance with implementation of the chosen system.

(4) After initial service under the Assisted Nutrient Standard Menu Planning menu cycle, the nutrient analysis shall be reassessed in accordance with paragraph (k)(2) of this section and appropriate adjustments made.

(5) Under Assisted Nutrient Standard Menu Planning, the school food authority retains final responsibility for ensuring that all nutrition standards established in paragraph (a) of this section are met.

(m) Compliance with the nutrition standards. If the analysis conducted in accordance with paragraphs (k) or (l) of this section shows that the menus offered are not meeting the nutrition standards in paragraph (a) of this section, actions, including technical assistance and training, shall be taken by the State agency, school food authority, or school, as appropriate, to ensure that the lunches offered to children comply with the nutrition standards established by paragraph (a) of this section.

(n) Nutrition disclosure. School food authorities are encouraged to make information available indicating efforts to meet the nutrition standards in paragraph (a) of this section, such as publicizing the results of the nutrient analysis of the school week menu cycle.

(o) Supplemental food. Eligible schools operating after school care programs may be reimbursed for one meal supplement offered to an eligible child (as defined in §210.2) per day. Meal supplements shall conform to the provisions set forth in §210.10a(j).

(p) Implementation of the nutrition standards and Nutrient Standard Menu Planning/Assisted Nutrient

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Standard Menu Planning

(1) No later than School Year 1998-99, school food authorities shall ensure that lunches offered to children ages 2 and above by participating schools meet the nutrition standards provided in paragraph (a) of this section.

(2) Further, no later than School Year 1998-99, school food authorities shall ensure that Nutrient Standard Menu Planning, or Assisted Nutrient Standard Menu Planning, where applicable, is applied to lunches offered by participating schools.

(3) Schools and/or school food authorities may begin to implement any or all of the provisions of this section before School Year 1998-99 with prior approval of the State agency. In these situations, State agencies shall evaluate the ability of school food authorities to begin Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning and provide start-up training and facilitate initial implementation. However, school food authorities shall not be subject to the provisions of §210.19(a) for failure to comply with the nutrition standards established by paragraph (a) of this section or Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning established by paragraphs (k) and (l) of this section until School Year 1998-99. In addition, school food authorities that implement Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning prior to School Year 1998-99 shall be exempt from §210.18(g)(2) until required implementation in School Year 1998-99.

(4) State agencies shall monitor implementation of Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning at the school food authority level in order to ensure proper compliance. Such monitoring shall include the State agency observation of the meal service to determine if meals claimed for reimbursement contain the appropriate number and type of menu items. FNS may review State agency evaluation criteria and monitoring procedures as part of any management evaluation review conducted during the implementation period.

(5) Beginning with School Year 1998-99, State agencies shall monitor compliance by school food authorities with the nutrition standards in paragraph (a) of this section in accordance with the requirements of §210.19(a).

9. In the newly redesignated §210.10a:

a. the title is revised and

b. the table in paragraph (c) is amended by revising the "Milk" description under "Food Components and Food Items".

The revisions read as follows:

210.10a Lunch components and quantities for the meal pattern, lunches for very young children and meal supplements.

* * * * *

(c) Minimum required lunch quantities. * * *

SCHOOL LUNCH PATTERN-PER LUNCH MINIMUMS

Food Components and Food Items
Milk (as a beverage): Fluid whole milk and fluid unflavored lowfat milk must be offered. (Flavored fluid milk, skim milk or buttermilk optional) * * * * *

* * * * *

10. In 210.14, paragraph (c) is revised to read as follows:

§210.14 Resource management.

* * * * *

(c) Financial assurances. The school food authority shall meet the requirements of the State agency for compliance with §210.19(a) including any separation of records of nonprofit school food service from records of any other food service which may be operated by the school food authority as provided in paragraph (a) of

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this section

* * * * *

11. In 210.15:

a. Paragraph (b)(2) is revised;

b. Paragraph (b)(3) is amended by removing the reference to "210.10(b) of this part" and adding in its place the words "§210.10(a) or §210.10a(b), whichever is applicable"; and

c. Paragraph (b)(4) is removed and paragraph (b)(5) is redesignated as (b)(4).

The revision reads as follows:

§210.15 Reporting and recordkeeping.

* * * * *

(b) Recordkeeping summary. * * *

(2) Production and menu records as required under §210.10a and production, menu and nutrition analysis records as required under §210.10, whichever is applicable.

* * * * *

12. In 210.16:

a. paragraph (b)(1) is amended by adding the words "developed in accordance with the provisions of §210.10 or §210.10a, whichever is applicable," after the words "21-day cycle menu" whenever they appear; and

b. the first sentence of paragraph (c)(3) is revised to read as follows:

210.16 Food service management companies.

* * * * *

(c) * * *

(3) No payment is to be made for meals that are spoiled or unwholesome at time of delivery, do not meet detailed specifications as developed by the school food authority for each food component/menu item specified in §210.10 or 210.10a, whichever is applicable, or do not otherwise meet the requirements of the contract. * * *

* * * * *

13. In 210.18:

a. Paragraph (c) introductory text is amended by removing the number "4" in the phrase "4-year review cycle" wherever it appears and adding in its place the number "5";

b. the first sentence of paragraph (c)(1) is amended by removing the number "4" in the phrase "4-year review cycle" and adding in its place the number "5" and by removing the number "5" in the phrase "every 5 years" and adding in its place the number "6";

c. paragraph (c)(2) is amended by removing the number "4" in the phrase "4-year cycle" and adding in its place the number "5";

d. paragraph (c)(3) is amended by removing the number "5" in the phrase "5-year review interval" and adding the number "6" in its place;

e. paragraph (d)(3) is amended by removing the reference to "210.19(a)(4)" and adding in its place a reference to "210.19(a)(5)"; and

f. paragraph (h)(2) is amended by removing the reference "210.10" and adding in its place a reference to "§210.10a."

14. In 210.19:

a. paragraphs (a)(1) through (a)(5) are redesignated as paragraphs (a)(2) through (a)(6), respectively, and a new paragraph (a)(1) is added;

b. newly redesignated paragraph (a)(2) is revised;

c. the last sentence in newly redesignated paragraph (a)(3) is revised;

d. the number "4" in the second sentence of newly redesignated paragraph (a)(6) is removed and the number "5" is added in its place;

e. the second sentence of paragraph (c) introductory text is revised;

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f. a new sentence is added at the end of paragraph (c)(1);

g. the reference to "§210.10" in paragraph (c)(6)(i) is removed and a reference to "§210.10a" is added in its place; and

h. a new paragraph (c)(6)(iii) is added.

The additions and revisions read as follows:

210.19 Additional responsibilities.

(a) General Program management. * * *

(1) Compliance with nutrition standards. At a minimum, beginning with School Year 1998-99, school food authorities shall meet the nutrition standards established in §210.10(a) for reimbursable meals.

(i) Beginning with School Year 1998-99, State agencies shall evaluate compliance with the established nutrition standards over a school week. At a minimum, these evaluations shall be conducted once every 5 years and may be conducted at the same time a school food authority is scheduled for an administrative review in accordance with §210.18. State agencies may also conduct these evaluations in conjunction with technical assistance visits, other reviews, or separately. The State agency shall assess the nutrient analysis for the last completed school week to determine if the school food authority is applying the methodology provided in §210.10(k) or (l), as appropriate. Part of this assessment shall be an independent review of menus and production records to determine if they correspond to the analysis conducted by the school food authority and if the menu, as offered, over a school week, corresponds to the nutrition standards set forth in §210.10(a).

(ii) If the menu for the school week fails to meet any of the nutrition standards set forth in §210.10(a), the school food authority shall develop, with the assistance and concurrence of the State agency, a corrective action plan designed to rectify those deficiencies. The State agency shall monitor the school food authority's execution of the plan to ensure that the terms of the corrective action plan are met.

(iii) If a school food authority fails to meet the terms of the corrective action plan, the State agency shall determine if the school food authority is working towards compliance in good faith and, if so, may renegotiate the corrective action plan, if warranted. However, if the school food authority has not been acting in good faith to meet the terms of the corrective action plan and refuses to renegotiate the plan, the State agency shall determine if a disallowance of reimbursement funds as authorized under paragraph (c) of this section is warranted.

(2) Assurance of compliance for finances. Each State agency shall ensure that school food authorities comply with the requirements to account for all revenues and expenditures of their nonprofit school food service. School food authorities shall meet the requirements for the allowability of nonprofit school food service expenditures in accordance with this part and, as applicable, 7 CFR Part 3015. The State agency shall ensure compliance with the requirements to limit net cash resources and shall provide for approval of net cash resources in excess of three months' average expenditures. Each State agency shall monitor, through review or audit or by other means, the net cash resources of the nonprofit school food service in each school food authority participating in the Program. In the event that net cash resources exceed 3 months' average expenditures for the school food authority's nonprofit school food service or such other amount as may be approved in accordance with this paragraph, the State agency may require the school food authority to reduce the price children are charged for lunches, improve food quality or take other action designed to improve the nonprofit school food service. In the absence of any such action, the State agency shall make adjustments in the rate of reimbursement under the Program.

(3) Improved management practices. * * * If a substantial number of children who routinely and over a period of time do not favorably accept a particular menu item; return foods; or choose less than all food items/components or foods and menu items as authorized under §210.10(a)(4)(ii) or §210.10(e), poor acceptance of certain menus may be indicated.

* * * * *

(c) Fiscal action. * * * State agencies shall take fiscal action against school food authorities for Claims for Reimbursement that are not properly payable under this part including, if warranted, the disallowance of funds for failure to take corrective action in accordance with paragraph (a)(1) of this section. * * *

(1) Definition. * * * Fiscal action also includes disallowance of funds for failure to take corrective action in accordance with paragraph (a)(1) of this section.

* * * * *

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(6) Exceptions. * * *

(iii) when any review or audit reveals that a school food authority's failure to meet the nutrition standards of §210.10 is unintentional and the school food authority is meeting the requirements of a corrective plan developed and agreed to under paragraph (a)(1)(iii) of this section.

* * * * *

15. In Appendix A, Alternate Foods for Meals; Enriched Macaroni Products with Fortified Protein, the first sentence of paragraph 1(a) is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a."

16. In Appendix A, Alternate Foods for Meals; Cheese Alternate Products,

a. introductory paragraph 1 is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a" and

b. paragraph 1(d) is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a."

17. In Appendix A, Alternate Foods for Meals; Vegetable Protein Products:

a. introductory paragraph 1 is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a";

b. the second sentence of paragraph 1(d) is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a";

c. the first sentence of paragraph 1(e) is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a"; and

d. the first sentence of paragraph 3 is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a."

18. In Appendix C, Child Nutrition Labeling Program:

a. paragraph 2(a) is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a";

b. the first sentence of paragraph 3(c)(2) is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a" and by removing the reference to "§220.8" and adding in its place a reference to "§220.8a"; and

c. the second sentence of paragraph 6 is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a" and by removing the reference to "§220.8" and adding in its place a reference to "§220.8a"

PART 220 - SCHOOL BREAKFAST PROGRAM

1. The authority citation is revised to read as follows:

Authority: 42 U.S.C. 1773, 1779, unless otherwise noted.

2. In 220.2:

a. paragraph (b) is amended by adding the words "or §220.8a, whichever is applicable," after the reference to "§220.8;"

c. paragraph (m), previously reserved, is added;

d. a new paragraph (p-1) is added;

e. paragraph (t) is amended by adding the words "or §220.8a, whichever is applicable," after the reference to "§220.8"; and

f. a new paragraph (w-1) is added.

The additions read as follows:

§220.2 Definitions.

* * * * *

(m) Menu item means, under Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning, any single food or combination of foods. All menu items or foods offered as part of the reimbursable

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meal may be considered as contributing towards meeting the nutrition standards provided in §210.8(b), except for those foods that are considered as foods of minimal nutritional value as provided for in §220.2(i-1) which are not offered as part of a menu item in a reimbursable meal. For the purposes of a reimbursable meal, a minimum of three menu items must be offered, one of which must be an entree (a combination of foods or a single food item that is offered as the main course) and one must be fluid milk.

* * * * *

(p-1) Nutrient Standard Menu Planning/Assisted Nutrient Standard Menu Planning means a way to develop meals based on the analysis of nutrients which would require school breakfasts, when averaged over a school week, to meet specific levels for a set of key nutrients and calories rather than a specific set of food categories. Analysis of the menu items and foods shall be based on averages that will be weighted by production quantities as offered to the students. Such analysis is normally done by a school or a school food authority. However, for the purposes of Assisted Nutrient Standard Menu Planning, menu planning and analysis is completed by other entities and shall incorporate the production quantities needed to accommodate the specific service requirements of a particular school or school food authority.

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(w-1) School week means the period of time used as the basis for determining nutrient levels of the menu and for conducting Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning for breakfasts. The period week shall be a minimum of three days and a maximum of seven days. Weeks in which breakfasts are offered less than three times shall be combined with either the previous or the coming week.

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3. In 220.7, paragraph (e)(2) is amended by adding the words "or §220.8a, whichever is applicable," after the reference to "§220.8".

4. Section 220.8 is redesignated as 220.8a and a new section 220.8 is added to read as follows:

§220.8 Nutrition standards for breakfast and menu planning systems.

(a) Breakfasts for very young children. Meals for infants and very young children (ages birth to 24 months) who are participating in the Program shall meet the requirements in §220.8a(a), (b) and (c).

(b) Nutrition standards for breakfasts for children age 2 and over. School food authorities shall ensure that participating schools provide nutritious and well-balanced breakfasts to children age 2 and over based on the nutrition standards provided in this section. For the purposes of this section, the nutrition standards are:

(1) provision of one-fourth of the Recommended Dietary Allowances (RDA) of protein, calcium, iron, vitamin A and vitamin C to the applicable age groups in accordance with the Minimum Nutrient Levels for School Breakfasts in paragraph (e)(1) of this section;

(2) provision of the breakfast energy allowances for children in accordance with the age groups in the Minimum Nutrient Levels for School Breakfasts in paragraph (e)(1) of this section;

(3) the applicable 1990 Dietary Guidelines for Americans which are:

(i) eat a variety of foods;

(ii) limit total fat to 30 percent of calories;

(iii) limit saturated fat to less than 10 percent of calories;

(iv) choose a diet low in cholesterol;

(v) choose a diet with plenty of vegetables, fruits, and grain products; and

(vi) use salt and sodium in moderation.

(4) the following measures of compliance with the 1990 Dietary Guidelines for Americans:

(i) a limit on the percent of calories from total fat to 30 percent based on the actual number of calories offered;

(ii) a limit on the percent of calories from saturated fat to less than 10 percent based on the actual number of calories offered;

(iii) a reduction of the levels of sodium and cholesterol; and

(iv) an increase in the level of dietary fiber.

(c) General requirements for school breakfasts for children age 2 and over.

(1) In order to qualify for reimbursement, breakfasts, as offered by participating schools, shall, at a minimum, meet the nutrition standards in paragraph (b) of this section when averaged over each school week.

(2) School food authorities shall ensure that each breakfast is priced as a unit. Except as otherwise provided herein, school food authorities shall ensure that sufficient quantities of menu items and foods are planned and produced so that breakfasts meet, at a minimum, the nutrition standards in paragraph (b) of this section.

(3) School food authorities shall ensure that breakfasts are planned and produced on the basis of participation trends, with the objective of providing one reimbursable breakfast per child per day. Any excess breakfasts that are produced may be offered, but shall not be claimed for reimbursement under §220.9.

(d) Nutritional criteria for breakfasts for children age 2 and over. In order to receive reimbursement, school food authorities shall ensure that participating schools provide breakfasts to children age two and over in accordance with the nutrition standards in paragraph (b) of this section.

(1) The nutrients of breakfasts shall, when averaged over each school week, meet the requirements in the table Minimum Nutrient Levels for School Breakfasts, in paragraph (e)(1) of this section for children of each age group.

(2) Production, menu and nutritional analysis records shall be maintained by schools to demonstrate that breakfasts as offered meet the nutrition standards provided in paragraph (b) of this section and the nutrient levels for children of each age group in the table, Minimum Nutrient Levels for School Breakfasts, in paragraph (e)(1) of this section.

(3) Schools with children age 2 who participate in the program shall ensure that the nutrition standards in paragraph (b) of this section are met except that, such schools have the option of either using the RDA and calorie levels for children ages 3-6 in the table, Minimum Nutrient Levels for School Breakfasts, in paragraph (e)(1) of this section or developing separate requirements for this age group. The methodology for determining such levels will be available in menu planning guidance material provided by FNS.

(e) Requirements for meals for children ages 3-17.

(1) Schools that are able to offer meals to children based on nutrient levels reflecting one of the four age level in the table below should do so. Schools that cannot offer meals to children on the basis of age levels in the table below shall, under Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning, adjust the established levels following guidance by FNS or, if only one age is outside the established level, use the level provided for the majority of children. Schools shall ensure that breakfasts are offered with the objective of providing the per breakfast minimums for each age level as specified in the following table:

MINIMUM NUTRIENT LEVELS FOR SCHOOL BREAKFASTS

NUTRIENTS AND ENERGY ALLOWANCES	GROUP I AGES 3-6 YEARS	GROUP II AGES 7-10 YEARS	GROUP III AGES 11-13 YEARS	GROUP IV AGES 14-17 YEARS
ENERGY ALLOWANCES/ CALORIES	419	500	588	625
TOTAL FAT (as a percent of actual total food energy)	Less than or equal to 30% of actual Calories offered	Less than or equal to 30% of actual Calories offered	Less than or equal to 30% of actual Calories offered	Less than or equal to 30% of actual Calories offered
TOTAL SATURATED FAT (as a percent of actual total food energy)	Less than 10% of actual Calories offered	Less than 10% of actual Calories offered	Less than 10% of actual Calories offered	Less than or equal to 10% of actual Calories offered
RDA FOR PROTEIN (g)	5.50	7.00	11.25	12.50

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NUTRIENTS AND ENERGY ALLOWANCES	GROUP I AGES 3-6 YEARS	GROUP II AGES 7-10 YEARS	GROUP III AGES 11-13 YEARS	GROUP IV AGES 14-17 YEARS
RDA FOR CALCIUM (mg)	200	200	300	300
RDA FOR IRON (mg)	2.5	2.5	3.4	3.4
RDA FOR VITAMIN A (RE)	119	175	225	225
RDA FOR VITAMIN C (mg)	11.00	11.25	12.50	14.40

(2) A reimbursable breakfast shall include a minimum of three menu items as defined in §220.2(m), one of which shall be fluid milk as a beverage, offered on cereal, or a combination of both. All menu items or foods offered as part of the reimbursable meal may be considered as contributing towards meeting the nutrition standards, except for those foods that are considered foods of minimal nutritional value as provided for in §210.2(i-1) which are not offered as part of a menu item in a reimbursable meal. Breakfasts, as offered, shall independently meet the established nutrient standards when averaged over a school week.

(f) Milk requirement for children ages 2-17. A serving of milk as a beverage or on cereal or used in part for each purpose shall be a menu item for school breakfasts. Schools shall comply with the minimum required serving sizes for milk in §220.8a(e)(2) and with the other requirements for milk in §220.8a(d) and §220.8a(g).

(g) Offer versus serve. Each participating school shall offer its students at least three menu items as required by paragraph (e)(2) of this section. Under offer versus serve, senior high students are required to take at least two of the three menu items. At the discretion of the school food authority, students below the senior high level may also participate in offer versus serve. The price of a reimbursable breakfast shall not be affected if a student declines menu items or accepts smaller portions. State educational agencies shall define "senior high."

(h) Choice. To provide variety and to encourage consumption and participation, schools should, whenever possible, provide a selection of foods and types of milk from which children may make choices. When a school offers a selection of more than one type of breakfast or when it offers a variety of foods and milk for choice as a reimbursable breakfast, the school shall offer all children the same selection regardless of whether the children are eligible for free or reduced price breakfasts or pay the school food authority designated full price. The school may establish different unit prices for each type of breakfast offered provided that the benefits made available to children eligible for free or reduced price breakfasts are not affected.

(i) Substitutions. Schools shall make substitutions for students who are considered to have disabilities under 7 CFR Part 15b in accordance with §220.8a(f).

(j) Nutrient Standard Menu Planning/Assisted Nutrient Standard Menu Planning for children age 2-17. In order to assure that school breakfasts meet the nutritional standards provided in paragraph (b) of this section, nutrient analysis shall be conducted on all foods offered as part of a reimbursable meal. Such analysis shall be over the course of each school week. The school food authority shall either independently conduct Nutrient Standard Menu Planning or shall request that the State agency allow Assisted Nutrient Standard Menu Planning.

(1) The National Nutrient Database and software specifications.

(i) Nutrient analysis shall be based on information provided in the National Nutrient Database for Child Nutrition Programs. This database shall be incorporated into software used to conduct nutrient analysis. Upon request, FNS will provide information about the database to software companies that wish to develop school food service software systems.

(ii) Any software used to conduct nutrient analysis shall be evaluated and, as submitted, been determined to meet the minimum requirements established by FNS. However, such review does not constitute endorsement by FNS or USDA. Such software shall provide the capability to perform all functions required after the basic data has been entered including calculation of weighted averages as required by (j)(2) of this section.

(2) Determination of weighted averages.

(i) Foods offered as part of a reimbursable meal shall be analyzed based on menu items, portion sizes, and projected serving amounts and shall be weighted based on their proportionate contribution to the meals. Therefore, foods more frequently selected will contribute more nutrients than foods which are less frequently selected. Such weighting shall be done in accordance with guidance issued by FNS as well as that provided by the software used.

(ii) An analysis of all menu items and foods offered in the menu over each school week shall be computed for calories and for each of the following nutrients: protein; vitamin A; vitamin C; iron; calcium; total fat; saturated fat; and sodium. The analysis shall also include the dietary components of cholesterol and dietary fiber.

(3) Comparing average daily levels. Once the procedures of paragraph (j)(2) of this section have been completed, the results shall be compared to the appropriate age group level for each nutrient and for calories in the table, Minimum Nutrient Levels for School Breakfasts, in paragraph (e)(1) of this section. In addition, comparisons shall be made to the nutrition standards provided in paragraph (b) of this section in order to determine the degree of conformity.

(4) Adjustments based on students' selections. The results obtained under paragraph (j)(2) of this section shall be used to adjust future menu cycles to accurately reflect production and student selections. Menus will require further analysis and comparison, depending on the results obtained in paragraph (j)(2) of this section when production and selection patterns change. The school food authority may need to consider modifications to the menu items and foods offered based on student selections as well as modifications to recipes and other specifications to ensure that the nutrition standards in paragraph (b) of this section are met.

(5) Standardized recipes. Under Nutrient Standard Menu Planning, standardized recipes shall be developed and followed. A standardized recipe is one that was tested to provide an established yield and quantity through the use of ingredients that remain constant in both measurement and preparation methods. USDA/FNS standardized recipes are included in the National Nutrient Database for the Child Nutrition Programs. In addition, local standardized recipes used by school food authorities shall be analyzed for their calories, nutrients and dietary components and added to the local database by that school food authority.

(6) Processed foods. Unless already included in the National Nutrient Database, the calorie amounts, nutrients and dietary components, in accordance with paragraph (j)(2)(ii) of this section, of purchased processed foods and menu items used by the school food authority shall be obtained by the school food authority or State agency and incorporated into the database at the local level in accordance with FNS guidance.

(7) Substitutions. If the need for serving a substitute food(s) or menu item(s) occurs at least two weeks prior to serving the planned menu, the revised menu shall be reanalyzed based on the changes. If the need for serving a substitute food(s) or menu item(s) occurs two weeks or less prior to serving the planned menu, no reanalysis is required. However, to the extent possible, substitutions should be made using similar foods.

(k) Assisted Nutrient Standard Menu Planning.

(1) For school food authorities without the capability to conduct Nutrient Standard Menu Planning, as provided in paragraph (j) of this section, menu cycles developed by other sources may be used. Such sources may include but are not limited to the State agency, other school food authorities, consultants, or food service management companies.

(2) Assisted Nutrient Standard Menu Planning shall establish menu cycles that have been developed in accordance with paragraphs (j)(1) through (j)(6) of this section as well as local food preferences and local food service operations. These menu cycles shall incorporate the nutrition standards in paragraph (b) of this section and the Minimum Nutrient Levels for School Breakfasts in paragraph (e)(1) of this section. In addition to the menu cycle, recipes, food product specifications and preparation techniques shall also be developed and provided by the entity furnishing Assisted Nutrient Standard Menu Planning to ensure that the menu items and foods offered conform to the nutrient analysis determinations of the menu cycle.

(3) If a school food authority requests Assisted Nutrient Standard Menu Planning, the State agency shall determine if it is warranted. At the inception of any approved use of Assisted Nutrient Standard Menu Planning, the State agency shall approve the initial menu cycle, recipes, and other specifications to determine that all required elements for correct nutrient standards and analysis are incorporated. The State agency shall also, upon request, provide assistance with implementation of the chosen system.

(4) After the initial service, the nutrient analysis shall be reassessed in accordance with paragraph (j)(2) of

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this section and appropriate adjustments made.

(5) Under Assisted Nutrient Standard Menu Planning, the school food authority retains final responsibility for ensuring that all nutrient standards established in paragraph (b) of this section are met.

(l) Compliance with the nutrition standards. If the analysis conducted in accordance with paragraphs (j) and (k) of this section shows that the menus offered are not in compliance with the nutrition standards established in paragraph (b) of this section, actions, including technical assistance and training, shall be taken by the State agency, school food authority, or school, as appropriate, to ensure that the breakfasts offered to children comply with the established nutrition standards.

(m) Nutrition disclosure. School food authorities are encouraged to make information available indicating efforts to meet the nutrition standards in paragraph (b) of this section, such as publicizing the results of the nutrient analysis of the school week menu cycle.

(n) Implementation of nutrition standards and Nutrient Standard Menu Planning/Assisted Nutrient Standard Menu Planning. (1) At a minimum, the provisions of this section requiring compliance with the nutrition standards in paragraph (b) of this section shall be implemented no later than the beginning of School Year 1998-99. However, schools and/or school food authorities may begin to implement any or all of the provisions in this section with prior approval of the State agency.

(2) Prior to School Year 1998-99, State agencies shall require school food authorities/schools to implement Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning for the School Breakfast Program at the same time it is implemented for the National School Lunch Program and in accordance with the terms of §210.10(o).

5. The title of newly redesignated §220.8a is revised to read as follows:

220.8a Breakfast components and quantities for the meal pattern and for very young children.

* * * * *

6. In Section 220.9, the first sentence of paragraph (a) is amended by adding the words "or 220.8a, whichever is applicable," after the reference to "§220.8".

7. In Section 220.14, paragraph (h) is amended by removing the reference to "§220.8 (a)(1)" and adding in its place a reference to "§220.8a(a)(1)".

8. In Appendix A, Alternate Foods for Meals, Formulated Grain-Fruit Products, paragraph 1(a) is amended by removing the reference to "§220.8" and adding in its place a reference to "§220.8a."

9. In Appendix C, Child Nutrition (CN) Labeling Program:

a. paragraph 2(a) is amended by removing the reference to "210.10" and replacing it with a reference to "210.10a";

b. the first sentence of paragraph 3(c)(2) is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a" and by removing the reference to "§220.8" and adding in its place a reference to "§220.8a"; and

c. the second sentence of paragraph 6 is amended by removing the reference to "§210.10" and adding in its place a reference to "§210.10a" and by removing the reference to "§220.8" and adding in its place a reference to "§220.8a."

ELLEN HAAS
ASSISTANT SECRETARY
FOR FOOD AND CONSUMER SERVICES

DATE

Regulatory Cost/Benefit Assessment

1. *Title:* National School Lunch and School Breakfast Program: Nutrition Objectives for School Meals

2. *Background:* This rule proposes to amend the regulations outlining the nutrition standards for the National School Lunch and School Breakfast Programs. Specifically, this proposal would update the current nutrition standards to incorporate the Dietary Guidelines for Americans, which reflect medical and scientific consensus on proper nutrition as a vital element in disease prevention and long term health promotion[1]. This proposal would also adopt meal planning based on analysis of key nutrients (Nutrient Standard Menu Planning or Assisted Nutrient Standard Menu Planning) in lieu of the current meal pattern. These changes would be implemented no later than July 1, 1998. In recognition of the importance of reinventing and streamlining government programs, this proposal would also reduce various burdens associated with the school meal programs and would modify the review requirements for the National School Lunch Program to ensure adequate oversight of the proposed updated nutrition standards.

3. *Statutory Authority:* National School Lunch Act (42 U.S.C. 1751-1760, 1779) and Child Nutrition Act of 1966 (42 U.S.C. 1773, 1779)

4. *Cost/Benefit Assessment of Economic and Other Effects:*

a. Costs to produce a meal:

A nationally representative sample included in the School Lunch and Breakfast Cost Study found an average food cost of $0.72 for school meals prepared under the current meal pattern, rounded to the nearest whole cent. Cost data from this study were used to estimate the cost of two weeks of sample menus developed under the requirements for Nutrient Standard Menu Planning in the proposed rule. The analysis found an average food cost of $0.72 per meal when rounded to the nearest whole cent[2]. These sample menus were developed for elementary and high school students using foods and recipes common to the National School Lunch Program (NSLP). When planning the sample menus, milk was constrained to provide eight fluid ounces with each meal, to include milks of various fat levels and a mix of flavored and unflavored milk. Additional weeks of menus could have been developed at similar cost, but analysis of two weeks of sample menus was deemed sufficient to demonstrate that nutrient targets could be met at current food cost. It would also have been possible to have further reduced the cost of the sample menus, for example by substituting lower cost items or using smaller portions of relatively expensive items such as yogurt and fish sticks. The lower end of the cost range of sample menus was about 28 percent below the two week average food cost. The sample menus were developed using foods and recipes already in common use in NSLP, such as those from "Quantity Recipes for School Food Service"[3]. They did not reflect the potential savings which may be realized when market forces stimulate development of new lower fat foods and recipes. Increased demand for foods lower in fat, saturated fat, sodium and cholesterol are expected to increase availability of these foods in the future. Such new foods and recipes should provide greater flexibility to NSLP menu planners, and may facilitate further moderation of meal cost and food components such as sodium and cholesterol where appropriate.

The sample menus include ingredients that are fresh and those that are processed into more convenient, labor saving forms, such as frozen. Examples of processed foods used in the sample menus include popular food items, pizza and chicken nuggets. Although these items were used less often than currently offered, by using foods and recipes common to the NSLP, the sample menus look similar to meals currently offered to students. By their preexisting use in NSLP, school food service personnel have already demonstrated that these food items can be prepared in the time available to prepare current school lunches, and similarly indicate that the staff with the skills needed to prepare these foods are already available. In addition, the equipment needed for food storage and preparation is either already available, or schools operating under the present rules have demonstrated that such equipment can be obtained within the existing reimbursement rates. Therefore, even though the costs of labor, equipment, and administration were not specifically analyzed, the manner in which the sample menus were developed provides confidence that non-food costs of the NSMP sample menus are expected to be similar to those already experienced in NSLP operation. FNS will continue to explore cost impacts. The evaluation of the Nutrient Standard Menu Planning Demonstration will examine the reported costs of school food service operations associated with implementing NSMP. This evaluation will examine total meal production costs and will analyze separate components (food, labor, other costs).

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By definition, the average results reported above mean that some school districts would be expected to experience food costs for the sample menus that vary considerably from those reported above. This is not different from the current situation because there is already a wide range of food costs due to factors such as economies of size, geographic variation in delivery and labor costs, and local market conditions.

b. Market effects;

To estimate market effects a mathematical model was developed to incorporate information on the kinds, amounts, nutrient content, and costs of foods served in schools lunches. The model uses all of this information and seeks a solution which minimizes the changes in current amounts of foods served in NSLP meals and also meets the nutrition objectives set forth in the Dietary Guidelines and adds no additional costs to food purchases. The model constrains food offerings and recipes to those actually used in schools. However, the meal pattern is allowed to deviate from the current regulations regarding food groups and portion sizes as long as it meets at least one-third the RDA for all nutrients. In keeping with the principles of the Dietary Guidelines, the meals are also restricted to no more than 30 percent of calories from total fat and less than 10 percent of calories from saturated fat.

The model can be specified to allow the amounts of all foods to vary, which permits substitution between high and low-fat beef as well as across other food groups such as pork, poultry, vegetables, and fruits. There are a vast number of possible scenarios which can be explored through this model, and the three discussed below have been selected as most useful in understanding the impacts of the proposed rule. In several of these scenarios the model is constrained to maintain the amounts or types of foods. In all three scenarios the volume of beverage milk is held constant at current consumption levels. This was done because milk will remain a required item under the proposed nutrition based menu planning system. The model minimizes the changes in the quantity of each item served and satisfies the nutrition and cost goals.

The model includes the following constraints for all scenarios: food ingredient cost at average cost for NSLP meals; calories (1/3 of average energy allowance listed in the RDA report); total fat (not more than 30 percent of calories); saturated fat (less than 10 percent of calories); carbohydrate (not less than 50 percent of calories); cholesterol (not more than 100 mg); 1/3 of RDA level for the following select nutrients: protein, vitamins (vitamins A, B6, B12 and C, niacin, riboflavin, thiamin, folate), and minerals (calcium, iron, magnesium, phosphorus, and zinc); and milk (total volume and mix by fat content held constant at current levels). As described in greater detail below, scenario one is the basic model using these constraints, scenario two constrains all chicken to have the nutrient profile of low-fat chicken, and scenario three constrains the model to retain current levels for major commodity groups. The estimated changes in food items are then aggregated to national estimates based on the total number of school lunches served in FY-1993. Subsequently, the impact of these changes on agricultural markets are estimated using commodity market models developed by economists in the Economic Research Service.

Data

The study is based on the most recently available data on quantity and frequency of foods actually served in NSLP meals, detailed nutrient content of those foods, estimated food ingredient costs, and Recommended Dietary Allowances for micronutrients and Dietary Guidelines recommendations for fat and saturated fat.

Data on actual foods served in the NSLP were obtained from the 1993 USDA School Nutrition Dietary Assessment (SNDA) study conducted by Mathematica Policy Research for FNS. The study included a survey of about 3550 students in grades 1 through 12 in 545 schools throughout the country. The students reported detailed information on the kinds and amounts of foods and beverages they consumed during a 24-hour period. The impact analysis uses only the portion of the data on foods served to children as part of credited school lunches. It includes plate waste but excluded a la carte items, such as desserts, purchased in addition to the school lunch. The SNDA survey contained detailed information on over 600 food items served in the school lunch program. These items were aggregated into over 50 food groups based on the primary ingredient and the percent of calories from fat. For example, there were two beef categories: high-fat and low-fat beef; two poultry categories; etc.

Food items costs are estimated from ingredient cost data obtained in the 1993 School Lunch and Breakfast Cost Study conducted by Abt for FNS and recipes for school lunch items. The recipes were necessary for two reasons: aggregation of ingredient costs to costs of food served, and for estimating the change in usage of the various agricultural commodities.

With respect to the agricultural economy, the amount of most foods served in NSLP meals is a small part of the total U.S. supply of agricultural commodities. For example, USDA and school district purchases of beef products account for less than two percent of the U. S. beef supply. Therefore, even the anticipated changes in the amounts of different foods served in the meals are expected to have minimal or no change in farm level prices.

Three alternative scenarios were examined to gauge market effects with alternative specific recommendations which could be implemented into the meals. All three scenarios meet dietary recommendations and the milk requirement with no change from the current per meal average food cost. Table 1 shows the total U.S. market in millions of pounds for various groups of commodities and the corresponding current school market size.

The three scenarios illustrate a range of market effects that could occur under alternative implementation assumptions. The first and third options demonstrate the range of market impacts associated with either minimizing the change in current food offerings or minimizing the change in commodity markets. The second scenario was designed to show how the results could change if lower fat preparation techniques were followed in only one of the commodity groups. Although chicken is used in this example, other commodities, such as beef or pork, might show similar changes if substitutions were made between high and low fat alternatives. Additional information on the constraints on the model imposed in each of the three scenarios is described in more detail below.

The three scenarios estimate impacts using current market prices for foods available and in use by schools. To the extent that products are reformulated to provide additional lower-fat products or lower-fat products become more widely available and affordable, the market impacts would change. The scenarios do not assume any product innovations. Similarly, food preparation techniques will play an important role in how the proposal would be implemented. Using lower fat preparation techniques would enable schools to continue to use foods at current levels because fat added during preparation would be reduced.

No single set of assumptions can adequately describe impacts under the proposed regulation. Schools have tremendous flexibility under nutrient standard menu planning to meet the dietary guidelines using the methods most appropriate to their circumstances. Schools can alter the mix of foods served within and among commodity groups. Changes in food preparation techniques could produce significant improvements in the nutritional profile of meals without any changes in the types of foods served. The model and the three scenarios examined show that changes in food preparation techniques for one commodity group can alter the results for other commodity groups. This occurs because the nutrient and cost targets are fixed. Nutritional improvement for one commodity group, such as a reduction in fat, both leaves more flexibility for other commodity groups to provide that food component within the established target, and, in the case of reduction of fat, required additional calories from some source to meet the calorie target.

The first scenario, "Minimum change in current offerings", established the amounts of foods from each of 52 groups required to meet the dietary, cost, and milk requirements with as little deviation as possible from the current eating choices of the children. It also required the consumption of low-fat, medium-fat and whole milk to stay at the same levels as current consumption. The 52 groups include seperate groups for high and low fat versions of food items and dishes. This scenario allows for substitutions among these and other groups.

The second scenario, using poultry as the example, shows how the results change if lower fat preparation techniques were used in one food category while holding food preparation techniques in other categories constant. High-fat poultry preparation techniques (such as chicken nuggets) were entirely replaced with lower fat techniques (such as baked or broiled chicken parts). As noted previously, other commodities might show similar changes if substitutions were made between high and low fat alternatives.

For the third scenario, the analysis model was modified to present a "No change in commodity markets"

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scenario where food commodity groups were restricted to their current level of use in the NSLP (with the exception of butter). The consumption of the various foods served were allowed to fluctuate within the commodity groups. For example, beef could be consumed alone or in a mixture such as lasagne, but the total level of beef served was required to be the same as is currently being served. In general, this adaptation required that low-fat foods be chosen within food groups. Notable exceptions included serving high-fat chicken and potatoes, probably due to the need to obtain sufficient calories. Also, the cost became more of a constraining factor in this scenario. Many of the higher fat or costly foods were eliminated from the solution. Some of the changes included:

- Serving milk containing less than 17 percent of kilocalories from fat (skim and one-percent);
- Serving beef in mixtures such as chili rather than as roasts, steaks, or hamburger patties;
- Serving low-fat pork products such as ham instead of ribs or bacon;
- Serving more meal mixtures such as chili and fewer grain mixtures such as pizza; and
- Serving more fruits and less fruit juices.

This analysis shows that the impact of the school lunch proposed rule on the major commodity markets and related farm programs would be minimal. Commodity prices, producer marketings and receipts, and farm program outlays under any of the scenarios would not vary significantly from the levels projected in the USDA 10-year Baseline Projections.

The proposed rule's limited impact reflects several factors including:

- The share of commodities used in the school lunch program is typically quite small compared to total U.S. disappearance. Hence changes in school lunch offerings have to be very large before they affect the commercial market.
- For the first scenario, changes in school lunch menus were designed both to meet the nutritional guidelines and to minimize changes in children's food choices. While this was done to reflect children's taste/preference, it has a moderating effect on changes in the commodity composition of school lunches as well as a minimum change in food service offerings.
- The second and third scenarios demonstrate that there is considerable potential for substitutions within food groups (e.g., shifting from conventional to healthier products in the same food group) and for changing food preparation techniques to improve nutritional value (e.g., shifting from fried to roasted chicken). The modified menus took advantage of these options. Changes in food preparation techniques and use of healthier products in the same food group would minimize agricultural impacts.

Individual commodity market impacts of scenarios one and two are described in greater detail below. These should be interpreted with tho understanding that scenario three shows that it is possible to achieve the dietary, food cost and milk requirements with no change in commodity markets other than butter. The information presented reflects estimates of market impacts under full implementation of the proposed regulation.

Dairy Impacts

The impacts of the proposed rule differ across the fluid milk, butter, and cheese components of the dairy sector. The modified menus hold milk offerings constant but reduce cheese and eliminate butter. Hence, the major impacts would be in the processed product markets rather than the fluid market.

School lunch use of butter is eliminated in the three scenarios; the modified menus would annually displace 50-55 million pounds of butter in a 1.0 billion pound U.S. market. The dairy program activity expected under the baseline projections would keep the impact of this decline on producer prices, incomes, and government farm programs minimal. Virtually all of the displaced butter is donated by the Commodity Credit Corporation (CCC) from stocks acquired as part of its price support operations; purchases occur at the levels needed to support manufacturing milk prices at legislated levels and minimize stock holding. The school lunch volume is small enough compared to total CCC purchases and other disposal programs that the butter in question would continue to be acquired under the proposed rule but be donated to other institutions or sold concessionally or donated abroad. Hence, butter impacts would ultimately be minimal.

The impact of the proposed rule on the cheese market could be more pronounced but still limited. This is because the volume differences in the use of cheese between the baseline and the scenarios one and two is larger and most of the cheese used in the school lunch program is bought on the open market rather than donated from CCC stocks. But the annual 80-90 million pound decline in cheese disappearance associated with these scenarios would account for less than a 1 percent drop in U.S. cheese disappearance. This would lower farm milk prices 7 to 8 cents per hundredweight causing a decline in production and lower farm revenues from milk by $150-$200 million annually (from a 1990-93 base of $19.5 billion). CCC dairy program costs would increase by an estimated $20 to $25 million annually. Hence, even for cheese, the impacts on the dairy sector and the budget would be relatively small. As scenario two demonstrates for chicken, a more pronounced shift towards use of lower fat cheese or other lower fat items in schools could further moderate these impacts. Under scenario 3 there would be no reduction in cheese.

Meat Sector Impacts: Broilers and Turkeys

The impact of the proposed school lunch rule on the broiler market is expected to be modest under the first and second scenarios. Broiler offerings in the school lunch program would decline 120 million pounds under the first scenario and increase 38 million pounds under the second. The current school lunch use of 248 million pounds is a small share of the total U.S. market of 19.9 billion pounds. Hence, a 120 million pound reduction would lower broiler prices 1.8 percent and reduce farm revenues by 1.2 percent. The second scenario uses chicken as an example of how a large shift towards low-fat preparation (e.g., from fried to broiled) could moderate shifts in commodity usage. If purchases are increased by 38 million pounds as provided for under the second scenario, broiler prices would increase 0.4 percent and revenues rise by 0.2 percent. There are no direct government programs for the industry.

The impact of the proposed rule on the turkey market is expected to be modest under scenarios 1 and 2. Total use of turkey meat would decline 52 million pounds under one scenario and increase 18 million pounds under the other. The current school lunch use of 105 million pounds is a small share of the total U.S. market of 4.6 billion pounds. Hence, turkey prices would decrease 2 percent under the first scenario and increase 0.5 percent under the second. Producer revenues decrease by $36 million under the first scenario and increase $4 million under the second scenario—less than 0.01 percent in either case. There are no direct government programs for the turkey industry. Again, under scenario 3 there would be no change in either broilers or turkey.

Meat Sector Impacts: Beef and Pork

The impact of the proposed rule on the beef market is expected to be minimal under the first and second scenarios. School lunch offerings of beef would decline 100-128 million pounds from 485 million pounds currently, in a total U.S. market of 24 billion pounds. This school lunch decline would reduce the farm level market price for beef by less than 1 percent and result in a 0.5 percent reduction in beef producers' revenues. A slightly larger reduction (128 million pounds) in beef offerings under the second scenario would result in approximately the same reduction in wholesale beef prices and farm revenues. There are no direct government programs related to the beef industry; hence, the changes likely under the proposed rule have no direct federal budget implications. As scenario two demonstrates for chicken, a more pronounced shift towards the use of lower-fat beef, lower-fat beef preparation, or other lower-fat items in schools could further moderate impacts. Under scenario 3 there would be no impact at all.

The impact of the proposed school lunch rule on the pork market is also expected to be minimal under the first and second scenarios. This is because much of the pork already in use in the school lunch program is lean pork such as ham. Total use of pork in the school lunch program would increase 16 million pounds or remain

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the same in the first and second scenarios. The school lunch program's current use of 280 million pounds represents a small fraction of the total U.S. market of 17.3 billion pounds. Hence, the 16 million pound increase would boost prices a minimal 0.2 percent. Farm revenues would increase $11 million or 0.1 percent of their existing revenues. There are no government support programs directly associated with the pork industry and hence no budget implications.

Fruit, Vegetable, and Potato Market Impacts

The impacts of the proposed rule on the fruit, vegetable, and potato markets would be small under the first and second scenarios. Schools use these products in a variety of forms, including fresh, frozen, canned, and as components of commercially processed mixtures. Total usage of fruits in the school lunch program would increase 718 million pounds under the first scenario and over 1.1 billion pounds under the second. Both represent less than 2 percent of the 61.1 billion pound U.S. fruit market. Under scenario one, prices would increase 0.1 percent and farm revenues increase 1.2 percent or $124 million in a $10.2 billion market. Impacts under the second scenario are slightly larger, with prices up 0.2 percent and revenues up $200 million.

Use of vegetables in the program would increase 89 million pounds under the first scenario and 35 million pounds under the second in a 71 billion pound U.S. market. Under the first and second scenarios, price increases would be negligible and farm revenue gains would be $5-12 million or less than 0.1 percent of industry revenues. Use of potatoes in the program would decline 286 million pounds under the first and second scenarios in response to fewer french fry offerings. These reductions are expected to have a little or no impact on the 34 billion pound U.S. potato market. Reduced potato usage would result in 0.1 percent decline in potato prices and a comparable $20 million reduction in farm revenues. The School Nutrition Dietary Assessment Study found that potatoes are often fried or prepared with a significant amount of added fat. The sample menus developed for the food cost analysis show that lower-fat potato dishes can be readily used under nutrient standard menu planning. As with chicken in scenario two, a more pronounced shift towards use of lower-fat potato preparation or other lower-fat items by schools could further moderate the impacts on the potato market.

Field Crop Impacts

The major impact of the proposed rule on the field crop markets would be in the wheat market. Menu changes would increase the wheat used in various forms in the school lunch program from 16.5 million bushels currently to 28-30 million bushels, under the first two scenarios, in a total U.S. market of 2.5 billion bushels. While the difference between scenarios is insignificant, an increase in wheat demand of 10 to 15 million bushels could spark a small adjustment in the market. After offsetting changes in production, feed use and exports are taken into account, the net increase in total use would be roughly 5 million bushels and generate a 2 cent per bushel higher farm price. This would reduce deficiency payments by about $35 million (from a 1990-93 base of $1.9 billion) and would increase farmers' market receipts by about $45 million (from a 1990-93 base of $7.3 billion), more than offsetting the lost deficiency payments.

Rice use would increase roughly 1 million hundred weight under the first and second scenarios in a national market of 180 million hundred weight. This would generate less than a 1 percent change in the farm price of rice, a $7-9 million increase in market revenues, and an offsetting $6-8 million reduction in government payments.

The proposed rule could also reduce use of oilseeds and related products. Changes in menu items as well as preparation techniques would decrease use of vegetable oils for frying and salad dressings. But the decreases would be too small to measurably affect prices; moreover, with government support for oilseeds limited to a loan program with rates set well below forecast market prices, there would be no budget implications.

Peanut Impacts

In the agricultural impact models developed for this analysis, peanuts are part of a group including legumes and nuts. This group shows some increases under the first and second scenarios, although the direct impact on peanuts is less clear. Even if the findings for the group as a whole are assumed to similarly impact peanuts, the impacts of the proposed rule on the peanut market would be small under the first and second scenarios. Under the first and second scenarios, total usage of peanuts in the school lunch program would increase about 6 million pounds from its current school lunch base of about 44 million pounds. This increase represents less than 0.3 percent of the total U.S. peanut market of 2 billion pounds. Farm prices of peanuts are expected to rise about 0.1 percent and farm revenues increase about $1.0 million. There would be no impact on the government cost of the peanut program.

Table 1 Annual Quantity Impacts for Major Agricultural Markets

Commodity group	1993 market size		Scenario		
	U.S Total Farm-Level Disappearance	School lunches	One: Minimum change within current offerings	Two: Lower fat chicken preparation	Three: No change in commodity markets
	—— millions of pounds ——				
Butter	1,007	55	0	0	0
Cheese	8,033	135	53	47	135
Broilers	19,855	245	125	283	245
Turkey	4,591	106	53	121	105
Beef	24,040	485	385	359	485
Pork	17,288	280	296	280	280
Fruits and juices	81,055	1,097	1,815	2,234	1,097
Vegetables	71,018	1,218	1,307	1,253	1,218
Potatoes	34,079	674	376	372	674
Peanuts	2,050	44	50	50	44
Rice (million cwt)	180	1.3	2.3	2.2	1.3
Wheat (million bu)	2,500	18	30	28	18

The three scenarios illustrate that minimizing the change in current offerings creates market impacts that would not occur if lower-fat substitutions are offered or the mix of commodities within category is allowed to change. They also emphasize that school menus would have to change in order to avoid any impacts in the commodity market.

Table 2. Farm Price, Revenue, and Program Impacts for Major Agricultural Markets

Commodity	Total Farm Receipts	Scenario								
		One: Minimum change in current offerings			Two: Lower fat chicken preparation			Three: No change in commodity markets		
		Prices	Revenues	Farm program costs	Prices	Revenues	Farm program costs	Prices	Revenues	Farm program costs
	$ billions	percent	$ millions	$ millions	percent	$ millions	$ millions	percent	$ millions	$ millions
Cheese (milk equivalent)	19.4 1/	-0.6	-166	23	-0.6	-178	25	0.0	0	0
Butter (milk equivalent)	19.4 1/	0.0	0	0	0.0	0	0	0.0	0	0
Broilers	11.0	-1.8	-134	0	0.4	19	0	0.0	0	0
Turkey	2.9	-2.1	-36	0	0.5	4	0	0.0	0	0
Beef	28.3	-0.9	-143	0	-0.9	-103	0	0.0	0	0
Pork	10.7	0.2	11	0	0.0	0	0	0.0	0	0
Fruits	10.2	0.1	124	0	0.2	200	0	0.0	0	0
Vegetables	9.4	0.0	12	0	0.0	5	0	0.0	0	0
Potatoes	2.0	-0.1	-20	0	-0.1	-20	0	0.0	0	0
Peanuts	1.0	0.1	1	0	0.1	1	0	0.0	0	0
Rice	1.3	0.6	9	-8	0.5	7	-6	0.0	0	0
Wheat	7.3	0.7	45	-35	0.7	45	-36	0.0	0	0

1/ Total farm receipts from milk.

USDA Commodities

USDA for a number of years has made adjustments to improve the nutritional content of commodities provided, however, the basic types and quantities of foods offered to schools have not changed significantly. The analysis conducted indicates that schools can provide meals that meet the dietary guidelines without significant changes in the types of food provided and the Department can continue to make improvements to the commodities provided without diminishing agricultural market support to farmers. In total, USDA commodities account for less than one-sixth of all foods used by schools; the overall average is 16.4 percent. Although there is some variation among schools in the amount of USDA commodities they receive, USDA commodities make up between 10 and 25 percent of the food used for the vast majority (98 percent) of the school food authorities.

The market analysis for scenario one and the sample menus developed for the HSMP food cost analysis reflect an expected shift toward increased use of vegetables, fruits and grains. Such a shift is consistent with the Dietary Guidelines for Americans and the Food Guide Pyramid. This shift can occur without causing significant impacts in overall food markets, however, or in the amounts and types of food USDA provides to

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schools, with the exception of butter.

USDA continues to make improvements that reduce the proportion of calories from fat in donated commodities: reducing fat levels in ground beef; acquiring lower-fat cheeses and salad dressings; and providing foods in lower-fat forms (chicken vs. chicken nuggets). Because USDA provides a significant proportion of a small number of foods schools use (cheese–45 percent; beef–30 percent; turkey–70 percent; chicken–29 percent) efforts to lower the percentage of calories from fat for these commodities can have a substantial impact on the overall nutrient profile of foods used in the program. Even if there are some shifts in the types of foods that schools serve, there is likely to be little change in the overall amount of USDA acquisitions of cheese, beef and poultry because the Department's purchasing power would provide the best leverage for securing lower-fat versions of these products at the lowest price.

c. Benefits:

No near-term cost savings due to health improvement from the nutritional update are projected. However, longer term savings in health care costs and years of life may result. The Continuing Survey of Food Intake by Individuals, 1989-91 found that school age children have average daily intakes of 33.7 to 34.7 percent of calories from fat, and 12.6 to 13.3 percent of calories from saturated fat, depending upon the age-sex group. The Dietary Guidelines for Americans recommends limiting total fat intake to not more than 30 percent of total calories, and limiting saturated fat intake to less than 10 percent of total calories. The School Nutrition Dietary Assessment Study (SNDA) found the average daily consumption by NSLP participants on school days to be 35 percent of calories from fat and 13 percent of calories from saturated fat, compared to 33 percent of calories from fat and 12 percent of calories from saturated fat for non-participants[5]. SNDA also found that students consume fat and saturated fat from school meals at about the same levels as those offered to them. SNDA found schools offering NSLP meals which averaged 38 percent of calories from fat and 15 percent of calories from saturated fat, and participants consumed NSLP meals with 37 percent of calories from fat and 14 percent of calories from saturated fat. Implementation of the proposed rule would reduce the fat levels at school meals to the Dietary Guidelines levels. Using these figures along with the average percent of school-age children receiving a USDA meal (51%) and the average number of school days per year (182), we estimate that on average, the proposed rule will achieve about 12 percent of the change needed to reach the Dietary Guidelines levels for percent of calories from fat and saturated fat for all U.S. children ages 5 to 18 years. Since school meal participation rates are higher for low income children than for higher income children, the health benefits will be concentrated in the population at greatest risk of nutrition-related chronic diseases--those with low-income. Healthy People 2000: The National Health Promotion and Disease Prevention Objectives reports that low income is a special risk factor for both heart disease and cancer[6].

The long term savings in health care costs and increase in years of life could result to the extent that lower intakes of fat, saturated fat, cholesterol, and sodium, and increased intakes of grains, fruits and low-fat vegetables either throughout the school years or over a more extended period of time could reduce the risk of diet-related chronic diseases such as heart disease, stroke, cancer, and atherosclerosis. These diseases accounted for almost 65 percent of all deaths in the U.S. in 1991[7]. McGinnis and Foege, in an analysis of actual causes of death in the U.S., reported about 300,000 deaths per year, 14 percent of the total deaths, as the lower bound estimate for deaths related to diet and activity patterns[8]. These factors cannot be readily separated due to their interdependence in determining obesity.

The savings in years of life and the value associated with a population reduction of fat, saturated fat and cholesterol has been estimated for the U.S. adult population. These estimates were incorporated into the regulatory impact analysis for the food labeling regulatory proposal published on November 27, 1991, the Food and Drug Administration (FDA)[9]. While no comparable estimates are currently available for dietary changes by school-age children, it is useful to consider the magnitude of effects expected from the proposed changes in the school meal programs with that projected for food labeling.

The study by the Research Triangle Institute (RTI) developed for the food labeling proposal estimated the following changes in fat, saturated fat and cholesterol for male and women due to the labeling changes[10]:

Table 3. Average Daily Estimated Changes in Fat, Saturated Fat and Cholesterol for the U.S. Adult Population Due to FDA Food Labeling Changes

	Men	Women	Average
Changes in fat intake:			
Grams	-1.49	-0.67	-1.08
Percent	-1.4%	-1.1%	-1.25%
Changes in saturated fat intake:			
Grams	-0.48	-0.16	-0.31
Percent	-1.3%	-0.7%	-1.0%
Changes in cholesterol intake:			
Milligrams	-0.42	-0.26	-0.34
Percent	-0.1%	-0.1%	-0.1%

Adapted from Food and Drug Administration regulatory impact analysis statement for the proposed food labeling regulations, Federal Register, November 27, 1991
Average assumes equal numbers of men and women.

RTI and FDA then used the changes for men and women in a computer model developed by Dr. Warren Browner to estimate the effects on years of life over a period of 20 years. The increased years of life estimates were then used to estimate a value for the added years of life. These changes were found to result in an estimated 20-year reduction of 35,179 cases of cancer, and a reduction of 4,028 cases of coronary heart disease. As a result they estimated avoiding 12,902 deaths and increasing life-years by 80,930.

FDA used two different approaches to estimating the total value of the food labeling changes, a remaining years of life approach and a mean value approach (see November 27, 1991 Federal Register, pages 60871-60872, for a more detailed description). They also estimated totals using two different dollar values for consumer willingness to pay for risk reduction--a conservative estimate of $1.5 million and a higher estimate of $3.0 million. The value of the benefits from increased life-years was estimated to be $3.6 billion (discounted at 5 percent over a 20 year period). When benefits were valued based upon the number of early deaths prevented and the higher willingness to pay figure of $3.0 million, the estimate (similarly discounted) increased to $21 billion. In January 6, 1993, when publishing the final food labeling rule with a comment analysis, FDA updated their 20-year value estimates to between $4.4 billion and $26.5 billion[11].

USDA agrees with FDA that for government policy evaluation, society's willingness to pay for risk reduction is an appropriate concept to use in evaluating the impact of government actions which will reduce risks. The FDA estimates of $1.5 million and $3.0 million used in their analysis are quite conservative. Economists have three decades of experience in estimating the value of reducing the risk of fatalities using labor market data. Fisher, Chestnut and Violette (1989) evaluated the merits of these studies of the extra wages that would have to be paid for accepting a higher risk of fatality on the job; concluded that the results from the studies without obvious design flaws were reasonable consistent; and reported that the studies implied a value-per-statistical-life of $1.6 million to $8.5 million (in 1986 dollars)[12]. This range of value-per-statistical-life becomes $2 million to $10.4 million in 1993 dollars (updated using the change in Bureau of Labor Statistics' average weekly earnings paid to nonagriculture nonsupervisory workers).

Viscusi (1993) also surveyed risks of death and concluded that "the most reasonable estimates of the value of life are clustered in the $3 million-$7 million range" (p. 1942). However, he cautions that these estimates may be low, because the populations of exposed workers in these studies generally have lower incomes than individuals being protected by government risk regulations[13]. (The positive income elasticity for risk reduction means that higher values for lifesaving should be used when evaluating many risk reduction programs, such as airline safety programs). Fisher, Chestnut, and Violette also caution that to the individual's valuation of the risk reduction should be added the value loved ones and altruistic others also would be "willing to pay for reducing the fatality risk for those exposed to it" (p.97).

The values for risk reduction may be greater when risks are involuntarily assumed than when the risks are voluntarily chosen. This is relevant to the school lunch situation where a limited array of choices are offered in the lunch program. Thus, the higher estimates may be most appropriate for evaluating the school lunch programs' healthier diet and its contribution to reducing risk per statistical-life.

In comparison to the dietary changes predicted by FDA for food labeling, the improvements in fat and saturated fat estimated for the school meal program proposed regulation are substantial. The School Nutrition Dietary Assessment Study found that dietary intake from NSLP lunches provides 37 percent of calories from fat and 14 percent of calories from saturated fat. Reducing these lunchtime intakes to the Dietary Guidelines levels proposed in the regulation would reduce an NSLP participant's intake by 5.9 grams of fat and 3.4 grams of saturated fat on each day school lunch is eaten. Allowing for 182 school days per year and the percent of total U.S. children age 5 through 18 years who receive a meal on any school day (51%), it is estimated that the average daily reduction across all school-aged youth would be 1.5 grams fat and 0.86 grams saturated fat.

These estimates are significantly above those estimated for the FDA food labeling changes for fat and saturated fat. For cholesterol, school meals already provide a moderate intake and no further reduction will be required by the proposed regulation. To further compare the aggregate effect to that estimated for the food labeling regulations, consider the situation where the adult population reduces fat by 1.5 grams, reduces saturated fat by 0.86 grams, and does not reduce dietary cholesterol intake. This is necessary because there are no commonly accepted equations to relate changes in children's intakes of fat, saturated fat, and cholesterol to chronic disease reduction. The Browner model assumes that the relative risk of cancer is a function of total fat. The reduction of 1.5 grams of fat is about 39 percent greater than the reduction of 1.08 grams average for males and females estimated for FDA's food labeling, so a larger reduction in cancer incidence and deaths would be expected. For coronary heart disease, the Browner model assumes that all change is mediated through changes in serum cholesterol, which is affected by total fat, the type of fat, and dietary cholesterol. FDA used the following equation from Hegsted (1986) to estimate the change in serum cholesterol:

Change in serum cholesterol in milligrams per deciliter (mg/dl) $= 2.16S - 1.65P + 0.097C$

Where

S = change in percentage of total calories represented by saturated fat,
P = change in percentage of total calories represented by polyunsaturated fat, and
C = change in dietary cholesterol measured in milligrams per 1000 kilocalories.

The Hegsted equation shows that the greatest effect on serum cholesterol is due to saturated fat, and that changes in dietary cholesterol only play a small part.[14] The NSLP changes result in an average reduction in saturated fat of 0.86 grams, which is 2.77 times the reduction of 0.31 grams estimated for FDA's food labeling. Since the estimated change in polyunsaturated fat levels is only slightly greater for food labeling than for the proposed regulation, the overall estimated change in serum cholesterol for the adult example based upon changes at the levels which are proposed for school lunch would be considerably greater than that projected for labeling, driven by the large decline in saturated fat.

In summary, if the reductions in fat and saturated fat intake instituted during the school years are continued into adulthood, the increase in life-years and the value in dollars based upon willingness to pay would be of a magnitude similar to or exceeding that estimated for the food labeling changes, which were \$4.4 to \$26.5 billion over 20 years. However, the lag time to realize this level of benefits over a 20 year period might be greater since FDA's estimates apply to the U.S. adult population and the proposed rule on school meals will begin to have effect with those children in school at the time of implementation.

The fat and saturated fat reductions estimated to accompany the proposed regulation assume that 1) students do not replace school meal fat and saturated fat reductions by increasing fat intake at other times of the day or on non-school days, 2) that the dietary improvements at USDA school meals do not result in similar improvements at other meals or on non-school days and 3) that the improvements by program participants do not result in changes by non-program participants. If students did replace fat and saturated fat at other eating occasions, a smaller health benefit would result. If improvements on school days serve as a positive models which, when combined with nutrition education, result in improvements to non-USDA school meal, a larger improvement would result. The findings from the Menu Modification Demonstrations indicate that the daily fat

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intakes of NSLP participants would decline if their fat intakes at lunch were lower, but the effect on non-school meals is less clear[19]. Four sites at geographically dispersed locations (Chattanooga, TN; Denver, CO; Princeton City, OH; and San Bernadino, CA) received grants to test reduction in the fat content of NSLP meals. Dietary intakes of fifth grade NSLP participants at lunch and over 24 hours were collected both at baseline and after the reduction of fat in the NSLP meals. The demonstration found that the percent of calories from fat over 24 hours declined either significantly or marginally at all sites for both boys and girls. In addition, the reduction of intake in grams of total fat over 24 hours was greater than or equal to the reduction at the NSLP meal at three of the four sites. At the fourth site (Princeton City), despite an NSLP reduction in fat, 24-hour calories and grams of fat increased. At the San Bernadino site, which achieved the largest reduction in fat at the NSLP meals, the reduction of grams of fat over 24 hours was significantly greater than the NSLP reduction. On balance, the results of this demonstration indicate that when fat at the NSLP meal is reduced, students usually do not replace these calories by increasing fat intake at other eating occasions. While there is some indication that an accompanying reduction in fat at other eating occasions may be more common than an increase in fat at other eating occasions, findings are mixed and therefore not robust enough to influence benefit projections. Accordingly, the analysis in this section assumes that changes in NSLP fat levels do not affect fat intake at other occasions.

The fat and saturated fat reductions discussed in the impact analysis above relate only to the lunch meal. The proposed regulation will also reduce fat and saturated fat in school breakfasts, from 28 to 25 percent of total calories from fat, and from 11 to 10 percent of total calories from saturated fat. This will increase the overall reduction in average fat and saturated fat for the student population, but to a lesser extent then NSLP due to the smaller reductions and because fewer students participate in the School Breakfast Program.

The food labeling regulations are not expected to reduce U.S. fat and saturated fat levels by the full amount needed to achieve the Dietary Guidelines. This indicates that there will be room for the fat and saturated fat reductions which would result from the proposed rule to generate health improvement.

d. Effects on Participation

It is anticipated that the rule will have minimal effect on NSLP participation because implementation of the rule is not expected to increase meal prices or decrease meal acceptability. On a typical day, 25 million children participate in the National School Lunch Program. About 14 million of these meals are served to children receiving free or reduced price lunches. USDA has analyzed both the impact of meeting the dietary guidelines on meal price and meal acceptability and the implications for program participation.

Lunch price is an important factor in determining the level of participation among these students, with students participating at higher rates in schools with lower prices. Research indicates that price increases can cause substantial decreases in student participation. A key factor in maintaining participation among paid students while implementing the dietary guidelines is minimizing the meal cost. Food cost analysis demonstrated that nutritional targets can be reached within current food cost constraints. Minimizing cost impacts removes upward pressure on student fees which would result in decreased student participation.

USDA's efforts to test the effect of reducing fat and sodium and increasing the nutritional quality of meals has shown that improvements can be made without effecting participation. Although the SNDA study found that schools that served meals with a low proportion of calories from fat (less than 32 percent) had lower than average program participation, this information needs to be viewed in the larger context of efforts specifically designed to examine improvements in school meals.

The Department sponsored demonstration projects in five school food authorities from school year 1989-90 to 1991-92 to evaluate the extent to which menus planned to meet the NSLP meal pattern could be modified to better reflect the dietary guidelines.[20] Through the Menu Modification Demonstration Project, USDA examined the process involved in modifying school meals, including the impact on program participation. The demonstration found that fat could be decreased significantly without decreasing program participation. The percentage decrease in grams of fat ranged from 12 to 31 percent in the four sites. In all schools, average daily participation remained stable or increased slightly. In addition, the improvements were made with relatively minor changes in the types of foods offered. Although the districts were not able to make comparable improvements in the percentage of calories from fat, because overall calories decreased, the results demonstrate that fat can be cut without losing participation.

California is operating a State-wide demonstration of nutrient standard menu planning. The State reported that the nutrient-based system they implemented did not result in any decreases in gross meal participation between 1990 and 1992.

SNDA did find lower student participation in very low-fat schools, however, the study also indicated that it is possible to reduce the average fat content of lunches offered to well below the national average of 38 percent of food energy without adversely affecting participation in the NSLP. Participation rates were similar in schools whose lunches provide a moderate percentage of food energy from fat (32 percent to 35 percent) and in those whose meals provide a high or very high percentage of food energy from fat. It is important to note that the SNDA finding of low participation among low-fat schools is not based on experience with schools altering the nutrient content of food but rather on a point-in-time cross-sectional observation of schools with low-fat meals. The study did not collect information on how the schools implemented low-fat meals and what consequences these would have had on participation.

USDA recognizes that significant efforts must be undertaken to ensure that participation is maintained as meals are improved. If a meal does not taste good or look good then children will not eat it. The proposed regulation recognizes that food changes alone will not bring schools meals in line with the dietary guidelines. The results of SNDA and the two demonstrations suggest that reductions in calories from fat must be accompanied by nutrition education and promotional activities to maintain student participation. Gradual implementation of the Dietary Guidelines in school meals will allow for incremental changes in food offerings, minimizing the impact on current participation in the school meal programs. School food service is a nonprofit business that must meet student preferences to stay viable. This requires maintenance of participation by meeting food preferences, and accomplishing nutritional improvements through changes to recipes, food preparation techniques and purchasing specifications that are consistent with these preferences.

e. Implementation costs:

Initial implementation costs faced by schools will vary depending on existing capabilities and resources within districts and will take many forms. Local, State and Federal resources are available for implementation. USDA has already initiated a number of improvements: updated and improved recipes for schools, a computerized data bank of standard nutritional values of meals served and a demonstration project on NSMP. The demonstration will incur much of the developmental cost of the basic system framework and identify cost effective strategies for implementation. The Department has announced the availability of nutrition education cooperative agreements to develop comprehensive community-based approaches to nutrition education and is working on a national publication directed at grade school children. The Department is assisting school food service professionals in working with chefs, farmers and others to make school meals appealing and healthful.

The President's FY 1995 budget contains a request of over $20 million to support extensive training for school meal providers on how to plan and prepare nutritious and appealing meals as well as launching a national media campaign directed at building children's skills at making wise food choices for life.

States receive over $90 million annually from the Federal level in State Administrative Expense (SAE) funds for program oversight. A portion of these resources are available to assist in implementation. In addition, the proposed regulation would reduce the level of State resources devoted to local school food authority reviews, which is described in more detail below.

At the local level, implementing nutrient standard menu planning will require computer capabilities. Many schools currently make extensive use of computers for management activities and have thu facilities and capabilities to undertake nutrient standard menu planning. One of the goals of the initiative is to use the technology more effectively.

A study of school food authorities in the mid-Atlantic region found that 60 percent of SFAs employ computers for some functions.[17] Over one-fourth of these districts had comprehensive systems that allowed them to do

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menu management and nutritional evaluations. The menu modification demonstrations found that the lack of appropriate computer software limited the feasibility of monitoring the nutritional quality of menus. More recently developed software has greatly enhanced the ability to perform these analyses, which will now be supported by a USDA developed data base. Schools with microcomputers should be able to use this software.

Schools without sufficient computer capability or necessary access to technical assistance may opt for Assisted Nutrient Standard Menu Planning, which will allow development and analysis of menus by other entities, such as State agencies, consortiums of school districts, consultants or the Federal government, while still applying the essentials of NSMP.

The per meal reimbursement provided to schools was designed to cover both the food and administrative costs (labor and operations) of providing meals to students and can be used to acquire computer hardware and software. Enhanced computing abilities offer significant improvements in other areas of food service management beyond nutrient standard menu planning. The potential for additional improvements in food service operations beyond menu planning, for example, inventory control, should help offset the cost of acquiring this capability for NSMP.

The cost analysis found that the nutrient requirements of NSMP can be met at about the current cost of food in the National School Lunch Program. Because the foods used in the sample menus were drawn from what is currently being served, USDA does not anticipate the need for significant changes in meal preparation practices that would affect the cost to prepare meals. The administrative cost of conducting NSMP should be about the same as current operations once the system is fully implemented in a school. An evaluation of costs in the California nutrient standard demonstration reported that most schools experienced slight cost changes that ranged from 4 percent savings to 1.5 percent increased costs and concluded that most districts can expect to experience very little change in overall food service costs when implementing a nutrient-based system.[10]

f. Other Significant Effects:

The Food and Nutrition Service believes that implementation of nutrient-based menus will require extensive training and technical assistance, especially at the school food authority level. In addition, the acquisition of computers (for schools that do not already have them) or contracting for computer or assistance with the revised menu planning system may involve some local level expenditures during the implementation period. While implementation will require a dedicated effort on the part of our agency, the state agencies and local school food authorities, the ongoing operation and maintenance of nutrient-based menu planning will be indistinguishable from the current meal pattern based system in terms of efforts.

To provide for the resources needed for implementation, the regulation proposes a twenty per cent reduction in state monitoring requirements. This reduction will enhance the level of resources available to focus on training and technical assistance efforts. Many school food authorities will no longer have the requirement for specific edit checks to review claims submitted for reimbursable meals. Rather, these school food authorities will have flexibility to develop their own internal controls for such review. This provision is largely intended to streamline program administration, but will also provide some relief from program management burdens.

Other Regulatory Changes

The regulation proposes to streamline some existing administrative procedures of State agencies and school districts. This will permit States and school districts to implement NSMP and focus on the nutritional needs of children. At the State level the school food authority review cycle will be extended from four to five years, reducing by 20 percent the resources devoted to this effort. While this will extend the time period between formal reviews, most districts are currently visited more frequently than the current four year cycle. The States will continue to have a significant presence at the local level. Although the focus of attention will be on implementing NSMP there should be no perceived reduction in State oversight.

5. *Reason for Selection of Proposed Alternative:* The overriding purpose behind this rule is to serve more

nutritious and healthful meals to school children while maintaining access to the meal programs for needy children and enhancing the flexibility of local schools to administer the programs.

The nutrient targets selected are derived from the Dietary Guidelines for Americans and the Recommended Dietary Allowances (RDAs)[19]. The Dietary Guidelines for Americans encompass the Federal government policy on nutrition. They are developed in consideration of scientific sources such as The Surgeon General's Report on Nutrition and Health[20] and the National Academy of Sciences reports Diet and Health: Implications for Reducing Chronic Disease Risk[21] and Recommended Dietary Allowances. They are based upon the recommendations of an expert committee, the Dietary Guidelines Advisory Committee, specifically appointed to assist in developing Dietary Guidelines for use across Federal government. There are no alternative policy documents with official sanction by the government departments responsible for domestic nutrition which could provide alternative dietary targets for the general population. Other government publications in this area, such as "Building for the Future: Nutrition Guidance for the Child Nutrition Programs"[22] are based upon the Dietary Guidelines.

6. *Public Comments:* The Department also considered extensive oral testimony presented at four public hearings and meetings as well as written comments submitted in response to a notice published in the Federal Register on September 13, 1993. A summary of the comments is included in the preamble to the proposed rule.

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